

oil are hereby authorized and required to withhold from any payments due interested parties the proportionate tax due.

"(3) The taxes herein provided for when paid shall be and hereby are allocated as follows, to-wit:

"One-half of said tax when and as received by the Comptroller shall be paid to the State Treasurer of Texas and be placed to the credit of the Public School Fund, and one-half of such taxes when and as received by the Comptroller shall be paid to the State Treasurer to be placed to the credit of the General Fund of the State."

"Sec. 8. Whoever as producer, first purchaser, subsequent purchaser, or carrier, or whoever shall as a principal or as agent or representative of such principal, knowingly make any false entries or fail to make any proper entries in the books required by this Act with intent to defraud the State; or whoever as such, shall knowingly make a false or incomplete report as required by this Act; or whoever, refuse to make the report required as such, shall knowingly fail or refuse to make the report required to be made; or whoever, as such, shall destroy, mutilate, or secrete any of the records required to be kept by the provisions of this Act; or whoever shall, as such, hide or secrete with intent to defraud, any of the property upon which a lien is created hereunder, or whoever fails or refuses to permit the Comptroller or the Attorney General or the duly authorized representatives of either to inspect the records and reports herein provided for, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the sum of not less than twenty-five dollars (\$25), nor more than five thousand dollars (\$5000), or confined in the county jail for not less than one month, nor more than six (6) months, or by both fine and imprisonment.

"Sec. 9. It shall be the duty of the Comptroller to promulgate rules and regulations governing the detail administration of the terms and requirements of this Act not specifically mentioned herein; to employ auditors and supervisors for the purpose of verifying reports and investigating the affairs of producers

and/or purchasers to determine whether the tax is being properly reported and paid; to provide the necessary office help and equipment for the proper execution of the provisions of this Act, and for the purpose of defraying the necessary expenses of said administration, including salaries of supervisors, auditors, office help, filing equipment, typewriters and supplies, printing of forms, publication of regulations, postage, telephone and telegraph, traveling expenses of employes, and traveling expenses of witnesses not otherwise paid, there is hereby appropriated for the period of time ending August 31, 1935, one per cent (1%) of the tax hereby levied and collected. There is hereby especially provided for one director of the gross production tax division whose salary shall not exceed three thousand dollars (\$3000) per year; one assistant director of the gross production tax division whose salary shall not exceed two thousand seven hundred fifty dollars (\$2750) per year; and such other auditors and supervisors as may be needed to enforce the provisions of this Act.

Sec. 2. The fact that the existing gross production tax statutes are inadequate to enforce the collection of gross production taxes, the payment of which is now being evaded in many instances, and the further fact that there is an insufficient number of employes in the Comptroller's Department with which to enforce the provisions of the existing law, create an emergency and an imperative public necessity that the constitutional rule that all bills be read on three several days in each house be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,
September 24, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.	Martin.
Hopkins.	Small.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Bills and Resolutions.

S. C. R. No. 13.

Senator Oneal sent up the following resolution:

Whereas, A large amount of ad valorem taxes assessed for State, county, city, town, school, road, levy improvement, water control and improvement, irrigation improvement purposes, and for the purposes of other defined subdivisions of the State are annually going delinquent; and,

Whereas, It is reported that in many cases the percent of delinquency is annually increasing, and,

Whereas, The Legislature of the State of Texas in an effort to relieve those tax payers who were believed to have let their ad valorem taxes go delinquent for reasons over which they had no control, has, from time to time, for the purpose of giving relief to these property owners, passed laws remitting the penalties and interest on these delinquent ad valorem taxes for certain periods provided the taxes were paid within the periods of time designated; and,

Whereas, There is considerable complaint by the tax payers who have continually and consistently paid their taxes without permitting the same to go delinquent and by tax collection officials that these laws made for the purpose of relieving those who were unable to take care of their taxes, have encouraged and caused many other tax payers to

take advantage of these remission periods to let their taxes go delinquent, when as a matter of fact, they were in financial condition to pay their taxes; and,

Whereas, This condition is believed to be getting more general; and,

Whereas, The condition of the State Treasury and the treasury of the counties, cities, towns, school districts and the other districts hereinabove named are being seriously and adversely affected by this tendency and this condition; and,

Whereas, There is a threatened breaking down of the entire ad valorem tax system under conditions as they now are, and no substitute for that system has been provided; and,

Whereas, It is the desire of the Legislature to be in a position at the next regular session fully to consider the matter of delinquent taxes for the purpose of determining upon a fixed policy in respect to dealing with delinquent taxes and the collection thereof, and that for such purpose it is necessary to have full information upon the conditions as to delinquent taxes in the State, in the counties, the cities, the towns, school districts, and other districts and defined subdivisions of the State hereinbefore mentioned, and this information can be obtained only through the tax collecting officials; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that the Comptroller of Public Accounts of the State of Texas, each county tax collector, each city, incorporated town and village tax collector, and each official charged with the collection of taxes in each school district, road district, levy improvement district and every other district and defined subdivision of the State of Texas be and the same are hereby requested and instructed to furnish to the Legislature of the State of Texas the following information as to the taxes which that official is charged with the collection of, namely:

1. The amount of ad valorem taxes assessed for each year beginning with the year 1920 and ending with the year 1933;

2. The total amount of ad valorem taxes exclusive of penalties

and accrued interest, delinquent on December 1, 1934 for each of said years.

3. The number of taxpayers owing delinquent ad valorem taxes on December 1, 1934, as shown by the tax records for each of said years.

That such information be furnished on substantially the following form:

Delinquent Tax Report Under Senate Concurrent Resolution No. —, For (Here Name County, City or District)

Year	Amount Ad Valorem Taxes Assessed	Amount Ad Valorem Taxes Delinquent December 1, 1934 (Exclusive of Penalty and Interest)	Number of Taxpayers Delinquent December 1, 1934, on Ad Valorem Taxes

That such information be furnished and filed with the Comptroller of Public Accounts not later than December 15, 1934.

That the Comptroller of Public Accounts is hereby requested to compile the information thus furnished him according to taxes delinquent to counties, cities, school districts, independent school districts, and each other class of districts separately and in convenient form for the use of the Legislature and that said compilation and arrangement of said information be prepared and ready to be submitted to the Forty-fourth Legislature by January 15, 1935.

That the Comptroller of Public Accounts notify each county tax collector, the tax collector of each city, incorporated town and village, and district and subdivisions of the State having its own tax collecting officials, of this resolution and the requirements hereof with the request that they promptly file the required reports with him.

ONEAL.
WOODUL.
DeBERRY.

S. C. R. No. 13 was read.

Senator Oneal moved that the rule requiring resolutions be referred to a committee be suspended and that S. C. R. No. 13 be taken up at this time.

The motion prevailed.

Senator Oneal asked unanimous consent to lay S. C. R. No. 13 on the table subject to call. Consent was given.

Senate Resolution No. 26.

Senator Woodul sent up the following resolution:

Whereas, There has existed for some time in Texas a great wave of lawlessness, such as kidnapping, bank robberies, hijacking, gang murders, and open violation of the penal statutes relating to all forms of gambling, sale and transportation of intoxicating liquors, vice and various and sundry forms of other crimes; and,

Whereas, The observance of all laws by the people of a State and the enforcement of same by the constituted authorities of same, including the juries of our land, are essential to the preservation of our institutions; and,

Whereas, There is an insistent demand for amendments to our Penal Code and Code of Criminal Procedure looking to a tightening up of the criminal laws of this State to bring about a more certain enforcement of such laws and the conviction of the evil doers; and,

Whereas, There is much demand that the various law enforcing agencies be consolidated to the end that there be no divided responsibility and that an adequate force be maintained at all times looking to the strict enforcement of all laws, such demands among others calling for the establishing of a State Constabulary; the combining of the State Ranger Force and the State Highway Patrol; and a State Bureau of Identification; and,

Whereas, It is well known that the present and growing disregard for all the criminal laws of this State and the negligence and/or wilful failure on the part of many of our law enforcing officers to properly enforce such laws are costing and will continue to cost the citizens of Texas more each year than our present cost of State government, not to consider the cost in the moral breakdown of the citizens of this generation and of those to come; and,

Whereas, The Democratic Platform adopted at the State Demo-

cratic Convention at Galveston on September 11, 1934, calls upon the Legislature of Texas to enact all necessary measures looking to a more strict enforcement of all laws; and,

Whereas, The time of convening the Forty-fourth Legislature is near at hand and it is important that an adequate investigation and study of the present lawless situation, the lack of law enforcement on the part of some of our public officials, and the cause, if any, for the alleged failures of juries to convict, be made and a report with recommendations be made to the Senate of Texas in order that appropriate legislation be properly enacted; therefore, be it

Resolved, by the Senate of Texas of the Forty-third Legislature, That the Lieutenant Governor be authorized, and that he do immediately upon the passage of this resolution appoint a committee of five members of the Senate, which committee shall select its own chairman, and make its own rules of procedure, which committee shall investigate and report to the Senate of Texas within thirty days after the convening of the Regular Session of the Forty-fourth Legislature:

1. Upon the present, and, if any, growing disregard and violation by the criminal element of any and all laws of this State.

2. The effort or lack of effort on the part of any or all officers of the State government to enforce the laws of this State.

3. The effect, if any, that the disregard of some of the laws of this State has upon encouraging and making possible the violation of other laws of this State.

4. The effect, if any, that the lack of strict law enforcement by officials in certain sections has upon encouraging and making possible violations of law in other sections of the State.

5. Upon any defects, if any, in our Penal Laws, laws of criminal procedure, and in our present jury system.

6. Also to fix responsibility, if possible, for the present seeming breakdown in the enforcement of our criminal laws.

7. Also to suggest needed rearrangement or consolidation of our State Police System.

In addition to all of the power necessary to carry out the full and complete terms of this resolution, said committee appointed hereunder shall have all the authority conferred by existing law, and shall act under this resolution and under such existing law.

Said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours for meeting and adjourning; said committee shall sit at the Capitol at Austin and at such other places as the committee in its discretion may determine, and sessions of said committee shall be open to the public except at such times as the committee, by a majority vote, may determine to hold an executive session. The chairman of such committee shall be elected by a majority vote of the members of said committee, and the committee shall appoint its own secretaries and employees, and its sergeant-at-arms.

That the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments which may be addressed to and served either by the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State. Said committee shall have power to inspect and make copies of all books, records, or files of any person, firm, association or corporation, or any employee, agent or servant of any of the foregoing parties, where such document appurtenant to any matter under investigation is deemed necessary by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all powers necessary in order to accomplish the purposes for which it is appointed, including all laws now in effect, the specification of any powers enumerated in this resolution being cumulative of all other necessary powers inherent under the law and by this resolution in said committee.

The witnesses attending said committee under process shall be allowed the same mileage and per diem as is

allowed witnesses in the trial of criminal cases in the district court.

Said committee shall have power and authority to employ and compensate all necessary experts, investigators, attorneys, stenographers, clerks, auditors and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigation.

That said committee may call upon the Attorney General's Department for assistance and advice and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon the request of the chairman or members of said committee.

Said committee may call upon all officers of the State Government including county, district and municipal officers to render assistance to said committee, and upon the request of the chairman or members of said committee it shall be the duty of all such officers to aid and assist said committee.

That said committee shall begin and complete its investigation at the earliest practicable moment and shall submit a report in writing to the Forty-fourth Legislature within thirty days after the convening thereof in regular session. The compensation and expenses herein provided for incident to such investigation shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Forty-third Legislature, upon sworn account of persons entitled to such pay when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Forty-third Legislature to meet the payment of expenses of the members of said committee, witnesses, fees and other expenses incident to said investigation.

Said committee, in addition to making its report and findings as herein provided, shall include in its report its recommendation of any legislation that should be enacted or any other action that should be taken.

WOODUL.
SMALL.
WOODWARD.
COLLIE.
BECK.

S. R. No. 26 was read and laid on the table subject to call.

Free Conference Committee Appointed.

On motion of Senator Hornsby the Senate refused to concur in House amendments to S. B. No. 3 and requested a Free Conference Committee.

Senator Blackert requested that he be recorded as voting "No" on motion of Senator Hornsby not to concur in House amendments to S. B. No. 3.

The Chair appointed the following on the part of the Senate:

Hopkins, Holbrook, Regan, Woodul and Woodward.

Committee of the Whole.

On motion of Senator Holbrook the Senate at 10:30 o'clock a. m., resolved itself into the Committee of the Whole, to hear the Centennial Committee report.

At 11:50 o'clock the Chair called the Senate to order.

Senate Resolution No. 27.

Senator Holbrook was recognized and sent up the following resolution:

Whereas, The Senate sitting as a Committee of the Whole Senate has heard, with much interest, the Members of the Texas Centennial Commission in their discussion of the work already done and the need for further work to be done with reference to the Texas Centennial in 1936; and,

Whereas, It is the sense of the Senate that more time should be given to the study of this great undertaking and to the plans for the success of the Centennial; and,

Whereas, The time is so short before the end of the present Session of the Legislature that it will not be possible to devote the proper amount of time to an intelligent study of the proposed plans; therefore, be it

Resolved, By the Senate of Texas that this Resolution be forwarded to the Governor of Texas with the recommendation that the Texas Legislature be immediately reconvened, upon adjournment of the present Session, for the purpose of staying here a few days longer to consider

the plans of the Centennial Commission.

**HOLBROOK,
PURL.**

Senate resolution No. 27 was read.

Points of Order.

Senator Oneal raised the point of order that S. O. R. No. 13 was pending business.

The Chair overruled the point of order.

Senator DeBerry raised the point of order that all resolutions must be referred to the proper committee.

The Chair sustained the point of order.

Senator Holbrook moved that the rule requiring resolutions go to a committee be suspended and S. R. No. 27 be taken up and considered at this time.

The motion prevailed.

Recess.

Senator Cousins moved that the Senate recess until 2 o'clock p. m.

The motion prevailed by the following vote:

Yeas—13.

Blackert.	Parr.
Cousins.	Poage.
DeBerry.	Redditt.
Duggan.	Sanderford.
Moore.	Stone.
Oneal.	Woodul.
Pace.	

Nays—12.

Collie.	Patton.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Regan.
Murphy.	Woodruff.
Neal.	Woodward.

Absent.

Beck.	Greer.
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Absent—Excused.

Fellbaum.	Small.
Martin.	

After Recess.

The Senate met at 2 p. m., pursuant to recess and was called to order by the Lieutenant Governor Edgar E. Witt.

Senate Resolution No. 27.

The Chair announced pending business was S. R. No. 27.

House Bill No. 1.

Senator Beck asked unanimous consent to submit the Free Conference Report on H. B. No. 1.

The question arose as to Senator Beck's right to take up H. B. No. 1 at this time.

Point of Order.

Senator Purl made the point of order that Senator Sanderford had yielded the floor to Senator Beck.

The Chair stated that Senator Sanderford would have the floor on S. R. No. 27 after H. B. No. 1 had been acted upon.

Privileged Motion.

Senator Beck, moved to send up the Free Conference Committee report on H. B. No. 1, as a privileged motion.

The motion prevailed.

Free Conference Report on H. B. No. 1.

The Senate took up for consideration the Free Conference report on H. B. No. 1:

Committee Room,

Austin, Texas, Sept. 24, 1934.

Hon. Edgar E. Witt, President of the Senate, and

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on H. B. No. 1 beg leave to submit the following report.

We have had H. B. No. 1 under consideration, and recommend the adoption of the attached bill.

LONG,
REED of Bowie,
REED of Dallas,
GRAVES,
POPE.

On part of the House.

BECK,
WOODWARD,
MOORE,
MARTIN,
WOODRUFF.

On part of the Senate.

By Long.

H. B. No. 1.

A BILL
To Be Entitled

An Act providing for the issuance of Six Million (\$6,000,000.00) Dollars of Texas Relief Bonds, Third Series, under Section 51-a, of Article 3 of the Constitution of the State of Texas; providing the terms of the bonds, and the method of sale thereof by the Texas Bond Commission; providing for the disposition of the proceeds of the sale of said bonds; prohibiting borrowing in anticipation of future issuance of bonds and defining such act as high crime and misdemeanor; providing a method of retirement of said bonds and the interest thereon and making an appropriation therefor, and providing some shall also apply to the retirement of Texas Relief Bonds, First Series and Second Series, heretofore issued; providing for the destruction of issued and unsold bonds and of redeemed bonds and the transfer of any unused monies derived from the sale of said bonds to the Texas Relief Bond Sinking Fund, Third Series; appropriating the proceeds of the sale of said bonds to the State Board of Control, and abolishing the Texas Relief Commission created by Chapter 37, Acts of the First Called Session of the Forty-third Legislature; providing for the State Board of Control taking over the administration of relief work, prescribing its powers and duties; and making appropriation for additional salaries, employees, and other necessary expense; providing that no bonds shall be sold after August 26, 1935; providing for appointment of chief of Relief Division of the State Board of Control, an assistant director and other employees, county boards, their membership, and their employees, and making an appropriation; specifying the way and manner in which said moneys shall be expended, providing for rules and regulations for the handling of said funds and the powers of the State Board of Control with reference thereto; providing for the distribution of funds; making appropriation for the printing, engraving, signing, advertisement,

sale and other expenses incident to the sale of said bonds; providing that no commission shall be paid on the sale of said bonds; authorizing filing of suit in case of default in payment; providing for rules and regulations for handling certain funds for county or municipal projects; directing the State Board of Control to file report with the Regular Session of the Forty-fourth Legislature as to permanent rehabilitation of the needy; authorizing county administrators to place persons temporarily upon county relief rolls; prohibiting appointees or employees under this Act from engaging in political campaigns; providing that no physically fit person who has refused employment at the prevailing wage scale shall be granted relief by the County Administrator; directing the State Board of Control to seek co-operation of the Federal Relief Agency in regard to rules and regulations applicable to expenditures of relief funds; providing for expenditure of certain funds for hospital services; providing for expenditure of certain funds for hospitalization of indigent tubercular patients and the building of a tubercular hospital; providing for expenditure of certain funds for distribution of food and/or clothing; authorizing the State Board of Control to accept and administer Federal funds; prohibiting expenditure of any relief funds for the benefit of any person who has not been a bona-fide resident of the State of Texas for a period of one year; providing the method of disbursing relief bond funds; prohibiting expenditure of relief bond funds in payment of salary to any employee of the Texas Relief Division of the State Board of Control who is related in the second degree to the head of any department, member of the Legislature or to any member or employee of the State Board of Control; providing that this provision shall not apply to persons now employed by the Texas Relief Commission; prohibiting the misappropriation of relief funds, the making of false reports concerning such funds, or knowingly and unlawfully distributing or expending any of said

funds, defining such act as a felony and prescribing a penalty; prohibiting the willful making of a false statement in order to procure relief funds, defining such act as a misdemeanor and prescribing a penalty; authorizing the members of the State Board of Control, the Director and Assistant Director to administer oaths relative to discharge of their duties, or in inquiry thereto; providing that false swearing in connection therewith shall be punishable under the provisions of the Penal Law applicable to false swearing; repealing sub-sections 1, 2, 3, 4 and 6 of Section 11 and all of Sections 12, 13, 15, 16, 17, 19, 20 and 21 of Chapter 37, Acts of the First Called Session of the Forty-third Legislature, and all of Sections 14, 15, 16, 17, 18, 19, 20 and 21 of Chapter 15, Acts of the Second Called Session of the Forty-third Legislature; providing that if any section, clause or sentence of this Act is held unconstitutional such holding shall not affect the remaining portions of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In conformity with the provisions of Section 51-a, Article 3, of the Constitution of the State of Texas, the Legislature of the State of Texas hereby issues Six Million (\$6,000,000.00) Dollars of bonds. Said bonds shall be designated "Texas Relief Bonds, Third Series."

A. Such bonds are issued on the faith and credit of the State of Texas and are general obligations of the State, and the principal and interest of said bonds are payable from all moneys received by the State, except revenues derived from ad valorem taxes on real property, provided that the indebtedness as evidenced by said bonds shall never become a charge against or lien upon any property, real or personal, within this State.

B. Such bonds shall be numbered consecutively, beginning with Number One, and shall be in such denominations as shall be designated by the Texas Bond Commission, aggregating Six Million (\$6,000,000.00) Dollars.

C. They shall be dated October 15, 1934, and the principal of said bonds shall mature as follows:

\$787,000	on October 15, 1935
555,000	on October 15, 1936
580,000	on October 15, 1937
620,000	on October 15, 1938
631,000	on October 15, 1939
660,000	on October 15, 1940
690,000	on October 15, 1941
720,000	on October 15, 1942
757,000	on October 15, 1943

D. They shall bear interest at a rate to be fixed by the Texas Bond Commission not to exceed four and one-fourth (4-1/4) per cent per annum, payable semi-annually on April 15th and October 15th of each year, the first interest being due and payable on April 15, 1935.

E. The principal and interest shall be payable on the maturity dates thereof in lawful money of the United States of America in such funds as on the respective maturity dates shall be legal tender for debts due to the United States of America upon presentation and surrender of bonds or proper coupons at the office of the Treasurer of the State of Texas, at Austin, Texas.

F. They shall be exempt from taxation by the State of Texas or by any county, municipal or quasi-municipal corporation or by any other political subdivision in or of the State or of any county hereof.

G. Said bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas including funds of every character which can be deposited by the State of Texas, and shall be eligible to secure the deposit of any and all public funds of all counties, cities, or political subdivisions thereof and of Public Corporations of every character within the State of Texas; and said bonds shall be lawful and sufficient security for said deposits to the extent of one hundred per cent (100%) of the face amount of said relief bonds when accompanied by all unmatured coupons appurtenant thereto. This provision shall take precedence over all laws and parts of laws in conflict herewith, and all laws and parts of laws in conflict with this provision are hereby repealed to the extent of such conflict.

H. Said bonds shall be approved as to form and validity by the Attorney General of the State of Texas, and each of said bonds shall be signed by the Governor, attested by

the Secretary of State, under the seal of the State of Texas, and registered by the State Comptroller of Public Accounts, and the lithographing of the facsimile signatures of such officers on the coupons shall be sufficient for such purpose.

I. Said bonds shall have interest coupons attached to them, and the form, printing, lithographing and/or engraving of said bonds shall be provided for by the Texas Bond Commission, in installments or otherwise, and after being printed, lithographed and/or engraved, signed, attested, and registered by the proper officials, the bonds shall be immediately deposited with the State Treasurer of Texas for registration and for safe-keeping. It shall be the duty of said officer to keep a record of said bonds so deposited with him in a special book procured and kept for that purpose. Said bonds shall be subject to registration in the name of the holder as to principal, on books kept for that purpose in the office of the Comptroller of Public Accounts, as evidenced by the endorsement upon the back thereof, and after such registration the principal thereof shall be payable only to the registered owner, his legal representatives or assigns. After being registered such bonds may again be made payable to bearer by endorsement thereon, and such bonds shall continue subject to registration and to payment to bearer at the option of the holder. The coupons attached to said bonds shall be and continue payable to bearer.

Sec. 2. The Texas Relief Bonds, herein issued, shall be sold by the Texas Bond Commission, heretofore created by Chapter 37, Acts of the First Called Session of the Forty-third Legislature, in the following manner:

The State Board of Control shall make application to the Texas Bond Commission for the sale of such part of said Six Million (\$6,000,000) Dollars of bonds as, in its judgment, is needed to procure State money necessary for the relief of the unemployed and needy, and upon the filing of said application, said Texas Bond Commission shall sell the amount of bonds so requested by the State Board of Control. Upon further application of the State Board of Control, said Texas Bond Commission is

hereby directed to sell additional bonds in the amount so applied for. Upon the sale by the Texas Bond Commission of any part of the Six Million (\$6,000,000.00) Dollars of Texas Relief Bonds, as herein provided for, the said Bond Commission shall by order provide that said installment of bonds shall mature over a period of Nine (9) years beginning with October 15, 1935, and shall mature approximately in the same proportions as set out in sub-section "C" of Section 1 hereof. The order of the Bond Commission designating the maturities shall be entered upon the minutes of the Commission. In no event shall the total amount of the bonds sold under authority of this Act exceed a total principal amount of Six Million (\$6,000,000.00) Dollars. No bond, as provided for hereunder, shall be sold from and after the twenty-sixth day of August, 1935. It is further provided that no officer, or officers, board, commission, or any person whatever shall borrow from any government, or from any source, or permit advances of any amount whatsoever, for any of the purposes stated in Section 51-a, Article 3, of the Constitution, in anticipation of the future issuance of bonds, and any such loan or advance shall be void, and shall create no obligation against the State of Texas, and any officer of the State of Texas or any officer or member of any board or commission of the State of Texas participating in such attempted loan or advance shall be guilty of high crimes and misdemeanors.

Sec. 3. The bonds authorized to be sold by this Act shall be sold by the Texas Bond Commission at a time and place to be designated by the Bond Commission, and, after advertisement; published in three (3) newspapers of general public circulation in the State of Texas, which publication shall be made once, at least one week prior to the day fixed for the sale of the bonds, the advertisements specifying date, amount, and maturities of the bonds, the rate of interest, and such other provisions as the said Commission may deem proper, provided that the notice of sale shall contain proper provisions offering said bonds on bases of different and various rates of interest,

none of which shall exceed a rate of four and one-fourth (4½%) per cent per annum. Said Commission may in its discretion publish a similar advertisement in one newspaper of general circulation outside the State of Texas. Offers for said bonds shall be made upon sealed bids filed with the Secretary of said Bond Commission and accompanied by such earnest payment as the Bond Commission may direct; the said Bond Commission shall reserve the right to reject all bids, but in the event a bid is accepted, the State Treasurer, on order of the Texas Bond Commission, is directed to deliver said bonds to the purchasers when he shall have received, for credit of the State of Texas, current funds of the United States in the amount of the accepted bid for said bonds, which shall in no event be less than par and accrued interest. In the event bids are not received for the purchase of all or any part of said offer of bonds or in the event the Bond Commission rejects all bids for any or all of said offer of bonds said Commission may readvertise said bonds as above provided, or may in its discretion proceed to sell at private sale all or any part of same to the Reconstruction Finance Corporation, or to any other governmental agency or to any person, firm or corporation for cash and in such manner as shall be provided for by the Bond Commission, provided, however, that none of said bonds shall be sold for a price less than the par value thereof and accrued interest thereon. No commission, directly or indirectly shall be allowed upon the sale of said bonds or any of them.

The funds other than accrued interest and/or premiums received from the sale of said bonds shall be credited by the State Treasurer to the "Relief Bond Fund." Any amounts received as accrued interest and/or premiums from the sale of said bonds shall be placed to the credit of a fund designated as "The Texas Relief Bond Sinking Fund, Third Series." Both of said funds shall be deposited in accordance with the depository laws of the State of Texas for the deposit of other State Funds.

Sec. 4. Texas Relief Bonds, Third Series, shall be redeemed and retired in the following manner:

In obedience to Section 51-a of

Article 3 of the Constitution which places upon the Legislature the duty to make such appropriations as are necessary to pay the interest and principal of such bonds as the same become due, there is hereby appropriated out of all revenues received from all sources except from taxes on real property, for each and every year that any Texas relief bonds, third series, are outstanding, a sum sufficient to pay the principal and interest on such bonds as the same becomes due. From and after the effective date of this Act and until all Texas relief bonds third series, have been retired, the Treasurer of the State of Texas, as he receives any and all moneys (from sources other than taxes on real property) for the use and benefit of, and which under the present law would go to the General Revenue Fund of the State shall first, before such moneys go into the General Revenue Fund, annually set up out of such moneys a special and separate fund in anticipation of and sufficient to meet all interest and maturity requirements on said bonds for the fiscal year next succeeding, which said fund shall be deposited to the credit of "Texas Relief Bonds Sinking Fund, Third Series." In event the revenues thus received by the Treasurer shall be insufficient to meet said anticipated maturities of principal and interest, there is hereby appropriated from revenues received from all sources other than from taxes on real property, not otherwise specifically appropriated by the Constitution, sufficient money to meet said anticipated maturities of principal and interest, and the Treasurer is hereby ordered to place said additional moneys in said sinking fund. Said Texas Relief Bonds, Sinking Fund Third Series, shall be kept by said State Treasurer as a separate fund out of which the interest on said Texas Relief Bonds, Third Series, shall be paid, and out of which said bonds shall be redeemed and retired as they become due, and the same is hereby appropriated for each and every year while such bonds, or any of them, are outstanding, for the purpose of paying the interest and principal of said bonds as the same becomes due; it being the intention of the Legislature, and the Legislature hereby does set apart, preserve and appropriate an adequate fund to pay off and dis-

charge the principal and interest of said bonds as and when the same become due and payable.

Sec. 5. All duties imposed on the Treasurer in Section 4 hereof in reference to the "Texas Relief Bonds, Third Series," and the appropriation made to pay the principal and interest thereof, are likewise effective as to "Texas Relief Bonds, First Series" and "Texas Relief Bonds, Second Series." The State Treasurer is hereby directed to pay the interest and principal of said Texas Relief Bonds, First, Second and Third Series, as and when the same become due.

Sec. 6. If, on the twenty-sixth day of August, A. D. 1935, any of the bonds which have been authorized herein have not been sold, it shall be the duty of the State Treasurer, in the presence of the other two members of the Bond Commission, to destroy by burning any unsold bonds and all interest coupons appended thereto. After said bonds shall have been destroyed by burning, as above provided, it shall be the duty of said members of said commission to make a certificate in writing to the effect that said bonds were destroyed in accordance with the provisions of this law, giving the date on which said bonds were so destroyed by the State Treasurer, and file said certificate in the office of the Secretary of State of the State of Texas. As the bonds mature and are paid they shall be forthwith destroyed and report thereon filed in like manner.

Sec. 7. If, at the time the State Board of Control ceases to administer the duties imposed by this Act, there shall remain with the State Treasurer any sums of money which have been derived from the sale of any of said bonds it shall be the duty of said State Treasurer to transfer said money out of said special account to the "Texas Relief Bond Sinking Fund, Third Series."

Sec. 8. Any owner or holder of any of the bonds herein issued, in the event default in the payment of said bonds, or of any interest payment thereon, shall have and is hereby granted, the right to institute a suit or suits, against the State of Texas in any court of competent jurisdiction in Travis County, Texas, for the purpose of enforcing payment thereof. Service of the process on the Attorney General shall be suffi-

cient in any such suit against the State.

Sec. 9. The proceeds of the sale of any and all bonds sold under the provisions of this Act are hereby appropriated to the State Board of Control for the purposes and subject to the restrictions as set forth in this Act.

Sec. 10. Out of the fund herein appropriated there shall be paid the expense for printing, lithographing and/or engraving the bonds, and the signing of same as well as all expenses incident to the sale thereof and the purchase of the books and supplies incident to keeping the record therefor.

Sec. 11. Provided that the Texas Bond Commission and the State Board of Control is prohibited from selling and/or expending more than one million (\$1,000,000.00) dollars per month for the months of October, November and December, 1934, and one million five hundred thousand (\$1,500,000.00) dollars per month during the months of January and February, 1935, out of funds herein provided. Provided further that any and all of such sums of money not expended during the month for which allocated, such funds saved may be expended by the State Board of Control during any succeeding month or months.

Sec. 12. The Texas Relief Commission as created by Chapter 37, Acts of the First Called Session of the Forty-third Legislature of Texas shall be and the same is hereby abolished, set aside and shall be held for naught, and in lieu thereof and to take its place in the administration of relief funds obtained by either the sale of State bonds or Federal funds or from any other source, the distribution, regulation and disposal of any of said funds shall be placed in the hands of the State Board of Control and it shall have direct supervision of the said funds, their allocation, and distribution to the different counties, political subdivision and individuals in this State. It shall succeed to and is hereby granted all the powers and privileges granted to such Texas Relief Commission, and is hereby charged with the duties heretofore imposed by law upon such Commission, and all of said powers, privileges and duties shall be and the same are hereby imposed upon the

State Board of Control. The Texas Relief Commission shall be an additional subdivision of the State Board of Control and shall be separate and apart from the other divisions of its work for the administration of the additional duties prescribed by this Act. The State Board of Control shall appoint a Chief of the Texas Relief Commission Division who shall be a citizen of this State and who shall be known as the Director of the Texas Relief Commission Division of the State Board of Control, and whose qualifications shall be such as in the opinion of the State Board of Control, regardless of previous experience, qualify him to perform the duties as prescribed by law and see that the laws of the State affecting relief are enforced, and the Board of Control shall also appoint an Assistant Director, a secretary and an Auditor for the Division. All of the above named employees shall be placed under a bond in the amount of \$25,000.00 each condition for the faithful performance of their duties. All premiums shall be payable out of relief funds. Said bond shall be approved as to form by the Attorney General and as to solvency by the Board of Insurance Commissioners.

Sec. 13. The Board of Control shall provide for such other employees as it may from time to time determine necessary, and the Director of the Relief Commission Division of the Board of Control, under the orders of the Board of Control shall have the power to hire such necessary assistants as such Board of Control shall deem proper; and shall have supervision and control over all county boards or relief throughout the State, and shall do all and everything deemed proper and necessary in order to furnish needed relief to such persons as may be entitled thereto in this State in conformity with the provisions of this Act and other laws not in conflict therewith.

Sec. 14. Each member of the Board of Control shall receive, in addition to the salary now provided by law, the sum of One Thousand Two Hundred (\$1,200.00) Dollars per year payable in the same manner as their present compensation is paid, out of the funds herein provided for, as well as the necessary traveling and other expenses of such

members and employees of the Relief Commission Division of the Board of Control, but only for so long a time as there may be funds available from the herein provided for funds, and relief therefrom is being administered in this State.

The Board of Control shall pay the employees herein provided for such amounts as compensation as the said Board may deem just and proper and may hire and discharge such employees from time to time as they may deem best for the interest of the people of this State. The funds derived from the sale of the bonds herein issued and all other funds obtained, except as herein specifically provided, shall be administered by the State Board of Control, in the same manner and for the same purposes as provided in Chapter 37, Acts of the First Called Session of the Forty-third Legislature and in Chapter 15, Acts of the Second Called Session of the Forty-third Legislature, provided the Board of Control as herein composed shall be in lieu of the Texas Relief Commission and the Director and Assistant Director created and composed under the provisions and authority of said Chapter 37, Acts of the First Called Session of the Forty-third Legislature and said Chapter 15, Acts of the Second Called Session of the Forty-third Legislature and the salaries and expenses provided in said Acts to be paid to the members of said original Texas Relief Commission and said Director and Assistant Director shall cease when this Act becomes effective.

Sec. 15. County Relief Boards are hereby created in each county and shall consist of five members. The members of these county boards shall be appointed by the Board of Control, and their duties shall be in an advisory capacity and shall not be administrative. Upon their selection by the Board of Control they shall be promptly notified by the Secretary of said Relief Commission Division and shall meet from time to time upon call of the chairman and advise with the county administrator in all matters pertaining to county relief. County boards shall serve without compensation. Provided that in all counties of the State in which there is located a city with a population of 100,000 or more, according to the last preced-

ing Federal census, such county relief board shall consist of seven members.

The members of the present county relief boards shall continue to act in the capacity above outlined until a new board is appointed as above set forth. In case of removal, failure to qualify, resignation or death of any member of any county board, his successor shall be appointed in the same manner as herein provided.

County administrators and other necessary employees for carrying on relief in the several counties shall be appointed by the State Board of Control. The salaries of all such employees shall be fixed by the State Board of Control. Said county administrators and their employees shall be subject to removal by the State Board of Control.

Where practicable, the State Board of Control may authorize the employment of a county administrator to act as administrator for two or more counties and to set up such rules and regulations which will administer relief efficiently under such arrangement.

Sec. 16. Upon the passage of this Act, the Board of Control may utilize the present set-up throughout its entirety for a sufficient length of time until they can organize the Texas Relief Commission Division as contemplated herein, and shall have the power to utilize the whole force, organization, and general set-up of the Texas Relief Commission as it existed prior to the passage of this Act, until they can organize such Division of said Board of Control.

Sec. 17. The Board of Control shall be expressly charged with the proper administration of the funds provided for in this Act and of the relief problems arising thereunder and shall dispose of all property and equipment heretofore and hereafter purchased for use in distributing relief funds and in the administration of this Act and expend the proceeds therefrom as herein provided, and this Act and said Chapter 37, Acts of the First Called Session of the Forty-third Legislature, and said Chapter 15, Acts of the Second Called Session of the Forty-third Legislature, shall in all respects, save as to the provisions for the payment of said bonds, cease, and shall be in all respects repealed and become null and void as

of May 1, 1935; provided, however, that the agencies charged with the duty of expending Federal funds in the State of Texas may direct the expenditure of said Federal funds through the State Board of Control and the set-up herein authorized, but without expense or obligation on the part of the State of Texas. Only those who are bona fide resident citizens of the State of Texas shall be employed to perform any of the functions hereby authorized. Said Board of Control shall adopt strict rules and regulations to be faithfully observed by case workers to the end that those who can obtain work or provide at least a part of their keep shall do so under penalty of permanent removal from any and all classes of relief; and a list of the names of all persons receiving relief hereunder shall be open for inspection as other public records.

Sec. 18. The County Relief Boards, acting with the Commissioners' Court of the county or with the governing body of any municipal or quasi-municipal corporation or other political subdivision of the county are authorized to formulate plans and specifications for the construction of such lateral roads or other work projects as may be needed in said county, providing the construction of same will be feasible and practicable from the standpoint of utilizing labor of unemployed persons in said county; provided that at least 35% of the funds allocated to any county shall be expended on the construction, repair maintenance of lateral roads or other work projects. In setting up work projects in each county the same consideration shall be given to unemployed women as to men. In projects in which the majority of persons employed are women, the provisions allowing 80% of the funds to be applied to labor, may be altered for the purpose of obtaining material, supplies and equipment, according to the judgment of the State Board of Control. All projects for which relief funds are to be expended shall be submitted to and approved by the Board of Control. The applications to the Board of Control shall contain such data as is necessary to show the details of the project undertaken and shall be accompanied by plans and specifications showing the way and manner in

which work is to be performed. Before any application is approved, it shall be made to appear to the State Board of Control that the following essential facts shall exist, to-wit:

(1) That the project presents a practical opportunity to provide for unemployed people of the county or political or other subdivisions making the application; and at least eighty per cent (80%) of the funds for such project will be used for labor.

(2) That the project can be constructed with local unemployed labor eligible for employment on relief projects.

(3) That the project will not require the expenditure of an inequitable portion of the relief funds when compared with the needs of the whole State and the amount of money available for relief work and relief purposes.

(4) That the project could not be accomplished as a public work project on account of the demonstrated inability of the county, municipality or other political subdivision concerned to finance its part of the project.

If a county, municipal, or quasi-municipal corporation, or other political subdivision of the county is allotted funds for the relief of those eligible to be placed on relief rolls and to be employed in the construction, repair or maintenance of lateral roads or any other public project, then and in that event, said Commissioners' Court or the governing body of such municipality, quasi-municipality or other political subdivision of the county shall have the direct supervision and control of the expenditures of such funds allotted to it, subject, however, to such rules and regulations as may be prescribed by the Board of Control; and in the expenditures of such funds the Commissioners' Court or other governing body may act free from the county board in all matters except as to the employment of labor which shall be supplied by the County Administrator. At least eighty per cent (80%) of the State funds granted by this Section shall be used for the purpose of paying for labor of unemployed persons eligible for relief and an amount not to exceed twenty per cent (20%) of the funds granted by this Section for each project may be

available for the purpose of procuring materials, tools, equipment and supplies and/or for other purposes.

Sec. 19. The Board of Control shall have the right, power and authority to allocate a part of the funds derived from the sale of the bonds herein authorized to ward furnishing material and labor of persons on the relief roll to aid cities and counties in making additions to hospitals which have heretofore been dedicated to charity and which, under instruments of dedication, the city or county, is expressly authorized to exercise exclusive care and control over the building and hospital facilities to be so constructed; provided however, that in no event shall any such funds be used to aid in the construction of or as an addition to any hospital, either private or public, which is to be operated for profit. All such funds so allocated to the city or county for such purposes to be chargeable to the funds allocated to such city or county.

Sec. 20. The Board of Control is directed to make a report and recommendation to the Regular Session of the Forty-fourth Legislature on or before March 15, 1935, as to the permanent rehabilitation of persons on the relief rolls of the State of Texas.

Sec. 21. The County Administrator may place persons temporarily upon the relief rolls of his county if the necessity creates an emergency.

Sec. 22. Any case worker, county administrator or other employee engaged under the provisions of this Act who shall engage himself in the political interest of any candidate or who shall attempt to influence any voter on any political issue, shall be immediately discharged upon being proved guilty of such activity and shall never again be the beneficiary of the funds authorized by this Act, either as an employee or as a relief subject.

Sec. 23. If and when it has been shown that employment at the prevailing wage scale of the county has been offered a person who is physically able to work who is upon the relief rolls and that said person has refused to accept such employment at the prevailing wage scale, it shall then be the duty of the County Administrator to refuse further relief to said person and in addition there-

to, shall notify the State Board of Control of the name, address, and circumstances of such case.

Sec. 24. The Board of Control is hereby directed to seek the cooperation of the Federal relief agency so that changes may be procured in the Federal rules and regulations applicable to the expenditure of Federal funds and funds expended and contributed to jointly by this State and the Federal Government; said changes to be procured so that the relief funds can be more economically and judiciously expended, and so that the relief program will not hamper the recovery of the farming, ranching and industrial activities of this State.

Sec. 25. The Board of Control is hereby directed to use two and one-half per cent ($2\frac{1}{2}\%$) or so much thereof as may be necessary, of the proceeds of the Texas Relief Bonds herein authorized for the payment of hospital services, and such services shall be available to persons who are eligible for relief under the terms of this Act in need of hospital services and who are unable to bear such expense. Provided, however, that the amount authorized to be expended for such purposes shall not exceed two dollars and fifty cents (\$2.50) per day per patient. Such hospitalization shall be authorized only in cases where special care is essential to the preservation of life and health, and the same cannot be otherwise adequately secured. And provided further, that the provisions of this section shall not apply to cities and counties having, owning or operating county or municipally supported hospitals.

Sec. 26. The State Board of Control is hereby authorized to use not to exceed three per cent (3%), or so much thereof as may be necessary, of the proceeds of the Texas relief bonds, herein authorized, for the hospitalization of indigent tubercular patients who are on the relief rolls in recognized established tuberculosis sanatoria (other than in the State Tuberculosis Sanatorium) within this State; provided that the application and requirements for relief hereunder shall conform to those for admission to the State Sanatorium, save and except, that the prohibition against negro patients shall not apply to this Act, and the superintendent of the State Tuberculosis

Sanatorium, subject to the approval of the State Board of Control, is authorized, empowered, and directed to select and designate such sanatoria for the treatment of such patients, and to enter into contracts with such sanatoria for the care of such patients; provided further the amount authorized to be expended for services, including board, laundry, room, medicines and medical attention, shall not exceed the sum of two dollars and fifty cents (\$2.50) per day per patient. Provided, further, that of the funds herein allocated there is appropriated the sum of five thousand (\$5,000.00) dollars, or so much thereof as may be necessary, to be expended under the direction of the superintendent of the State Tuberculosis Sanatorium for an assistant or assistants and clerical help and to pay office and traveling expenses necessary for the purpose of carrying this Act into effect.

Sec. 27. The Board of Control shall use at least one hundred thousand (\$100,000.00) dollars of the said three per cent (3%) of relief funds above allocated, to build and equip permanent buildings at the State Sanatorium at Sanatorium, Texas, for the purpose of furnishing work relief and for the rehabilitation and relief of citizens of the State eligible for relief and afflicted with tuberculosis; and provided further, that the provisions relating to the percentages of labor and material contained in this Act shall not apply to this section.

Sec. 28. The State Board of Control is hereby authorized to use not to exceed one per cent (1%), or so much thereof as may be necessary, of the proceeds of the Texas relief bonds for the purpose of distributing food and/or clothing supplied by any agency of the Federal and/or State governments, in instances where the Federal Government will not bear the cost of such distribution.

Sec. 29. In the event Federal funds alone are to be distributed by this agency herein created then the Board of Control shall have the power to accept such funds and administer and distribute same.

Sec. 30. Provided that no funds derived from the sale of the bonds issued shall be disbursed to or expended for the benefit of any citizen who has not been a bona fide resi-

dent of the State of Texas for a period of one year, immediately preceding application for relief, provided this shall not apply to an infant under the age of one year.

Sec. 31. The funds belonging to the "Relief Bond Fund" shall be disbursed by warrants drawn by the Comptroller of Public Accounts on said fund in the payment of allocations made and approved by the State Board of Control, which approval shall be reflected by the minutes of the Board of Control, signed by its chairman, and attested by its secretary provided for herein, and filed with the Comptroller of Public Accounts. In case of emergency the Board of Control may authorize the disbursement of funds by the director under such rules and regulations as may be promulgated by the Board of Control and as may be evidenced by the minutes of said Board of Control; provided that such warrants shall be issued by the Comptroller of Public Accounts against vouchers signed by the director, or by someone authorized by him in writing, and countersigned by the secretary, as herein provided, or by someone authorized by him in writing, in amounts not exceeding in the aggregate the amount allocated by the Board of Control, to any payee, as evidenced by its minutes as signed, attested, and filed, as hereinbefore provided.

Sec. 31A. The Board of Control is hereby directed to promulgate rules and regulations for the purchase of supplies for relief and requirement for bids on same.

Sec. 32. None of the funds herein provided nor any of the funds arising from the sale of the bonds shall be used to pay the salary of any employee of the Texas Relief Commission Division of the State Board of Control who is related by blood or marriage within the second degree to the head of any department of State government or to any member of the Legislature or to any member or employee of the State Board of Control, and no person so related shall be employed by the State Board of Control; provided this section shall not apply to any person in the employ of the Texas Relief Commission upon the effective date of this Act.

Sec. 33. The Board of Control is hereby directed to make such rules and regulations as may be necessary

properly to enforce this Act, and shall have authority, in the event some division should become overloaded, to transfer or change employees from one position to another in the same division, or to cause to be changed employees from one division to another, as in their judgment would cause more efficient service to be rendered.

Sec. 34. Any person, or persons, charged with the duty or responsibility of administering, disbursing, auditing, or otherwise handling the funds provided for in this Act, and who shall knowingly misappropriate any such funds, or who shall knowingly make a false report concerning same, or who shall knowingly and/or unlawfully distribute or expend any of the same shall be deemed guilty of a felony, and shall, upon conviction thereof, be confined in the State Penitentiary for a term of not less than one year and not more than five years.

Sec. 35. Any person or persons who shall knowingly make any false statement or misrepresentation in order to procure any sum or sums of money or other relief provided by this Act, or secure any relief or funds under any other than his true name, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than Ten Dollars nor more than Fifty Dollars or be confined in the county jail for a period of not exceeding three months, or by both such fine and jail sentence.

Sec. 36. The Board of Control, as such members of the Texas Relief Commission, the Director appointed by them, and the Assistant Director by them appointed, shall have the power to administer oaths or affirmations relative to the discharge of their duties, and in an inquiry relative thereto, and any person testifying falsely before such Board of Control, or such Director, or Assistant Director, shall be subject to the pains and penalties prescribed in the Penal Code of the State for false swearing. No person or family shall receive any relief, either direct or work, unless and until such person or the head of such family shall have subscribed a statement under oath duly administered by some person authorized to administer oaths under the laws of this State or by any offi-

cer and/or case worker for the State Board of Control or any County Relief Board, and all such officers and case workers are hereby authorized to administer such oaths and are required and it is made their duty to administer such oaths free of charge, on such forms as may be prescribed by the State Board of Control, setting forth the conditions and circumstances which entitle such person and/or family to such direct relief or work relief, and any person knowingly making any false statement under oath, as above provided, shall be deemed guilty of a felony, and upon conviction shall be punished by confinement in the Penitentiary not less than two years nor more than five years.

Sec. 37. The State Board of Control is hereby authorized to cooperate with other agencies and/or departments of the State Government in formulating plans for other feasible work relief projects. The State Reclamation Engineer, State Board of Water Engineers, State Forester, all State Educational Institutions and other departments and agencies of the State government are hereby instructed and required to cooperate with the State Board of Control in formulating plans for work projects and it is their duty to furnish said Board of Control all information and data and to provide all technical reports desired concerning any matter under the control of such departments, provided, however, in no event shall any of the funds derived from the sale of bonds be used for the purpose of securing any technical reports which may be supplied by any existing department of the State government.

Sec. 38. All records, papers, accounts, data, books and documents belonging to the present Texas Relief Commission shall be turned over to the State Board of Control, and all such records, papers, accounts, data, books and documents shall be kept by the Texas Relief Commission Division of the State Board of Control and shall become a part of the records of said Texas Relief Commission Division of the State Board of Control. At the expiration date of this Act, all records of the Texas Relief Commission Division of the State Board of Control shall be delivered to and be preserved by the

Secretary of State as public records.

Sec. 38-a. The Board of Control in carrying out the provisions of this Act shall act by majority vote.

Sec. 39. Sub Sections 1, 2, 3, 4, and 6 of Section 11, and all of Sections 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of Chapter 37, Acts of the First Called Session of the Forty-third Legislature, and all of Sections 14, 15, 16, 17, 18, 19, 20 and 21 of Chapter 15, Acts of the Second Called Session of the Forty-third Legislature are hereby repealed.

Sec. 40. If any Section, clause or sentence in this Act should ever be held to be unconstitutional, such holding shall not affect the remaining portions hereof.

Sec. 41. The fact that the relief funds provided through the passage of this Act and the issuance and sale of bonds thereunder, is of vital importance to the State of Texas and the people thereof creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three separate days in each House be and same is hereby suspended that this Act shall be effective immediately from and after its passage, and it is so enacted.

Senator Moore asked unanimous consent to amend H. B. No. 1.

Point of Order.

Senator Purl raised a point of order that the Senate can only reject or accept a Free Conference report.

Point of order sustained.

Senator Beck moved that the Senate adopt the Free Conference report on H. B. No. 1.

Senator Purl as a substitute moved that the Senate reject the Free Conference report and that it be sent back to the Free Conference Committee.

Senator Moore moved to table the substitute motion of Senator Purl.

Senator Moore withdrew his motion to table.

Senator Moore renews his motion to table the substitute motion of Senator Purl.

The motion to table the substitute motion prevailed by the following vote:

Yeas—15.

Beck.	Rawlings.
Blackert.	Regan.
Cousins.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Neal.	Woodward.
Pace.	

Nays—11.

Collie.	Oneal.
DeBerry.	Patton.
Duggan.	Poage.
Greer.	Purl.
Holbrook.	Woodul.
Murphy.	

Absent.

Parr.

Absent—Excused.

Fellbaum.	Small.
Martin.	

Senator Purl moved to lay the Free Conference Committee report on H. B. No. 1 on the table subject to call.

The motion prevailed.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 20.	S. B. No. 8.
S. B. No. 6.	S. B. No. 11.
S. B. No. 7.	S. B. No. 18.
S. B. No. 14.	S. B. No. 22.
S. B. No. 29.	H. B. No. 30.

Senate Resolution No. 27.

The Chair announced pending business was S. R. No. 27.

House Bill No. 25.

Senator Sanderford moved to lay on table subject to call H. B. No. 25.

Senator Sanderford withdrew his motion.

Special Order.

Senator Sanderford moved that H. B. No. 25 be set for special order today at 5:30 o'clock.

Points of Order.

Senator Neal raised a point of order that Senator Sanderford had

the floor on S. R. No. 27, and could not substitute another bill.

The Chair overruled the point of order.

Senator Holbrook moved that S. R. No. 27 could not be displaced unless by two-thirds vote.

The Chair sustained the point of order.

The motion by Senator Sanderford to set for special order H. B. No. 25 was lost by the following vote:

Yeas—16.

Cousins.	Patton.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Moore.	Sanderford.
Murphy.	Stone.
Oneal.	Woodruff.
Parr.	Woodul.

Nays—9.

Beck.	Neal.
Blackert.	Pace.
Greer.	Purl.
Holbrook.	Woodward.
Hopkins.	

Absent.

Collie.	Poage.
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Absent—Excused.

Fellbaum.	Small.
Martin.	

Senate Bill No. 28.

Senator Hornsby moved that the regular order of business be suspended and the Senate take up S. B. No. 28, for consideration, at this time.

S. B. No. 28, A bill to be entitled "An Act authorizing the State Highway Commission as defined herein, to construct toll bridges and approaches thereto on State highways with funds, procured from the United States Government, its agencies and instrumentalities, through loans and grants, either or both, to operate and maintain said bridges and in reference to each such bridge to issue and to deliver to the United States Government, its agencies and instrumentalities, interest-bearing securities, bearing four per cent (4%) interest, with provisions for registration as to ownership, maturing

serially, the maturity of the final installment being within forty (40) years from their date, payable solely from tolls charged for the use of such bridge, with the proviso that they shall not constitute a debt of the State of Texas nor of the Highway Department but shall be special obligations secured by a first lien and pledge of and on the gross revenues received as tolls for the use of said bridge, prescribing the duties of the Highway Commission in reference to the execution, issuance and delivery of said securities, declaring such obligations to be negotiable instruments, providing for approval by the Attorney General of each such issue of securities, and registration by the Comptroller of Public Accounts, prescribing the effect of such approval and registration, and in reference to each such bridge providing for the establishment of special fund in which shall be deposited the proceeds from the sale of such securities and a special fund for the accumulation of moneys to pay the principal and interest of such securities; and after any such loan or loans and grant is authorized by said agency, prohibiting the Highway Commission from paying any expense incurred in the making of applications for any such loan and grant and the preparation, issuance, approval and delivery of said securities, or in designing or supervising the construction of any such bridge but same shall be paid from the proceeds of such loan or loans and grant, placing the duty of the Highway Commission to see that all such expenses are paid from the proceeds of such loan or loans and grant, authorizing the Highway Commission to make contracts in reference to the designing, supervision of the construction of any such bridge, limiting its liability to such borrowed or granted funds, prescribing the method of letting contracts and the giving of notice thereof, granting legislative consent to institution of suits in event of default in payment of principal and interest, declaring the legislative intent that as soon as the indebtedness against any such bridge shall have been satisfied said bridge shall immediately become a free bridge ratifying and validating all applications heretofore filed and steps taken in reference thereto by the Highway Commission, providing that this Act shall be cumulative

except wherein in conflict with other laws, repealing such conflicting laws, providing that if any part of this Act is unconstitutional the remaining parts shall remain effective, and declaring an emergency."

Pending.

Senate Concurrent Resolution

No. 14.

By unanimous consent Senator Greer sent up the following resolution:

Whereas, On September 19, 1934, Governor Miriam A. Ferguson submitted to the Legislature for consideration:

A bill to be entitled "An Act designating fur bearing animals declaring them the property of the State, declaring a three (3) year closed season on wild fox in Henderson County; and providing a penalty for violation of this Act."

Whereas, There is a special demand for a passage of this bill; therefore, be it

Resolved Joint Rule No. 11 be and is hereby suspended for the purpose of permitting the introduction of the said bill.

GREER.

The resolution was read and unanimously adopted.

House Bill No. 25.

Senator Rawlings was recognized and asked unanimous consent that H. B. No. 25 be set as special order at 5:25 o'clock today. Consent was not granted.

Senate Bill No. 28.

S. B. No. 28 was recurring business.

Point of Order.

senator rawlings made a point of order that Senate Rule 15, was not being enforced.

The Chair cited the rule and withheld his ruling.

Senator Woodul moved that Senate Rule No. 15 be suspended and no time limit placed on Senator Cousins.

The motion prevailed.

Yeas—19.

Beck.	Hopkins.
Collie.	Moore.
DeBerry.	Murphy.
Duggan.	Oneal.
Greer.	Pace.

Parr.	Regan.
Patton.	Sanderford.
Poage.	Stone.
Purl.	Woodul.
Redditt.	

Nays—7.

Blackert.	Rawlings.
Holbrook.	Woodruff.
Hornsby.	Woodward.
Neal.	

Present—Not Voting.

Cousins.

Absent—Excused.

Fellbaum. Small.

Martin.

Senate Bill No. 28.

Senator Hornsby was recognized and asked unanimous consent to withdraw his motion on S. B. No. 28. Unanimous consent was given.

Free Conference Report.

Senator Woodruff moved to call from the table, the Free Conference report on H. B. No. 1, and adopt the report.

The motion prevailed and the Free Conference Committee report was adopted by the following vote:

Yeas—26.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Regan.
Holbrook.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

Moore.

Absent—Excused.

Fellbaum. Small.

Martin.

House Bill No. 25.

Senator Rawlings was recognized and moved to set as special order H. B. No. 25, immediately after the disposal of S. R. No. 27.

The motion prevailed.

Yeas—22.

Beck.	DeBerry.
Blackert.	Duggan.
Collie.	Hopkins.
Cousins.	Hornsby.

Murphy.	Redditt.
Neal.	Regan.
Oneal.	Sanderford.
Patton.	Stone.
Poage.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.

Nays—5.

Greer.	Pace.
Holbrook.	Parr.
Moore.	

Absent—Excused.Fellbaum. Small.
Martin.**Special Order.**

H. B. No. 25 was set as special order immediately after the disposal of S. R. No. 27.

Senator Moore was recognized and asked unanimous consent to set for special order S. B. No. 33 after the disposal of the previous special order.

Consent was not granted.

Request to Print.

Senator Beck sent up the report of the Senate Investigating Committee and requested it be printed in the Journal.

The request was granted.

Preliminary Report.**of the**

**Senate Investigating Committee
Forty-third Legislature, Third Called
Session.**

Members of Committee:

Senator J. W. E. H. Beck, Chairman; Senator John S. Redditt, Senator Will M. Martin, Senator W. R. Poage, Senator H. Grady Woodruff, Senator George C. Purl, Senator Walter C. Woodward.

Austin, Texas, Sept. 24, 1934.

To the Senate of the State of Texas:

We, your committee authorized under S. R. No. 120, Acts of the Forty-third Legislature, Regular Session, and amended by S. R. No. 30, adopted February 27, 1934, beg leave to make this preliminary report.

The major activities of this committee since its organization have been:

First, the investigation of waste

of natural gas in the Panhandle gas fields of Texas.

Second, the investigation of the scholastic census rolls of the State of Texas in an effort to determine irregularities, mistakes and errors, if any, contained in said rolls.

This committee held a hearing at Amarillo, Texas, commencing on the ninth day of April, 1934, and continuing until the twelfth day of April, 1934, at which hearing the committee heard land owners, royalty owners, representatives from oil companies, utility companies and all interested parties in the Panhandle gas fields of Texas. A detailed report of this hearing with our recommendations has been heretofore presented by this committee, which report appears in detail in the Senate Journal of this Called Session.

This committee has made many investigations and has held numerous hearings over the State of Texas in an effort to determine the irregularities, if any, existing in the laws now in effect regulating the scholastic rolls of this State, and also as to the form and manner of taking the school census of Texas. These hearings have not been confined to any particular area in the State of Texas but have been held at various points all over the State, and at these hearings we have had the opportunity of hearing representatives of school boards, county and city school superintendents, and also various persons charged with the duty of taking said census in their particular localities. We have generally found that many errors occur in the scholastic rolls of the State of Texas. A detailed report with our recommendations will be made to the Forty-fourth Legislature in regular session.

The investigation and hearings of this committee have resulted in a saving to the State of Texas of a considerable amount of money. In connection with our investigation and hearings on the oil and gas situation in the Panhandle Fields of Texas, we have been advised by the Honorable George H. Sheppard, Comptroller of the State of Texas, that in one particular case there was an increase payment in taxes of the sum of \$80,770.66, this amount representing the increased taxes paid by one operator in the Panhandle field of Tex-

as for the months of May, June, July and August, 1934. The taxes that were paid for the months of January, February and March and April, 1934, amounted to the sum of \$30,342.36, whereas immediately following our hearings at Amarillo in April, 1934, the taxes paid for the months of May, June, July and August, 1934, amounted to the sum of \$111,113.02, or an increase of \$80,770.66. In a letter to the chairman of this committee, with reference to this particular case, your Comptroller said:

"It is very probable that this increase was due to the good work of your committee in investigations of such matters."

In connection with our gas hearings we discovered that natural and casinghead gas operators were delinquent in their payments to the State, and as a result of this information furnished the State Comptroller, this committee was advised by him under date of September 21, 1934, as follows:

"This information, together with other information obtained from you, has enabled my Department to make additional assessments in the approximate amount of \$20,000 for the period January 1, 1934, to September 1, 1934. Additional assessments will probably be made in the near future and the benefit for the State concerning future payments will far exceed our first expectations."

This committee through its efforts has saved the public school system of Texas a large amount of money in assisting in the correction of the scholastic rolls furnished the Department of Education by the various school districts of the State of Texas. Under date of September 24, 1934, Honorable L. A. Wood, Superintendent of the State Department of Education, advised your chairman of this committee in connection with the work done relative to school census as follows:

"Senator J. W. E. H. Beck, Chairman Senate Investigating Committee, Austin, Texas.

"My dear Senator:

"I am requested by my employee, Mr. John Olsen, to give you a short summary of the status of the present scholastic census.

"The public hearings of the Senate Investigating Committee early in the

present calendar year, with its resulting publicity, led, in my opinion, to a more cooperative spirit among all school officials toward securing an accurate scholastic census with the certain result that the submission of the original rolls indicated a filing of children's names of approximately 7,000 less scholastics than were approved in last year's rolls, or approximately 19,000 less than were submitted in the year 1933-34.

"The number of dollars alone in the original submission is estimated by the person in charge of census to be \$115,000 saved. The ordinary removed duplications of children's names account annually for around 7,000 or 8,000 names. This is usual. In addition to that, this year, owing to certain specific investigations made by the Senate Investigating Committee with sufficient labor for the purpose, five separate counties accounted for the substantial reductions above the ordinary duplications of around 1,700 scholastics.

"Investigations authorized and financed by the Senate Investigating Committee resulted in the elimination from past census rolls and the coming census rolls of 3,666 names.

"Mr. Olsen informs me that by continued attention and investigation, the number of scholastics upon the present scholastic census roll may be materially reduced even more. Basing my estimate upon his report to me, it is safe to assume that my Department's cooperation with the Senate Investigating Committee has resulted in the substantial saving of approximately \$550,000 to the State available school fund. It seems evident that had it not been for the increased appropriation to the census work by the Legislature that only a small part of this saving could have been made, and that the Department of Education has labored under this restriction of insufficient funds to such extent that not only this phase of educational work has been limited but all phases of educational administration have had the same difficulty in operation of administration.

"Summarized, Mr. Olsen's opinion is as follows:

"Saving to the State available school fund due to publicity of the

Senate Investigating Committee \$115,000.

"Extra duplications discovered with Senate Investigating Committee labor \$29,000.

"Removals of excess names from the census rolls due to investigations conducted by the Senate Investigating Committee \$60,469, or a total of \$205,000, which can be directly credited to their interest in the matter and additional credit is due them for many other reductions in the present scholastic census rolls which he is unable to estimate separate and apart from the work of the Department.

"I desire to thank the Senate Investigating Committee for its assistance in securing the fine results in census work and the study of the method of taking the present census and promise the cooperation and assistance of the Department in securing a better method of census enumeration.

Yours very truly,

L. A. WOOD,
State Superintendent."

This committee desires to express its thanks and appreciation to the Gas Utilities and the Oil and Gas Divisions of the Railroad Commission of Texas, and also to the State Comptroller's Department and the Department of Education for the information furnished this committee and for the cooperation and courteous treatment which was at all times extended to the committee.

The members of this committee serve without compensation and are reimbursed only to the extent of their expenses incurred in the performance of their duties.

Respectfully submitted,

BECK, Chairman,
WOODRUFF, Vice-Chairman,
REDDITT, Secretary,
PURL,
WOODWARD,
POAGE,
MARTIN,

Senate Investigating Committee.

Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bill:

S. B. No. 3, A bill to be entitled
"An Act creating Colorado River
Authority, a governmental agency,
body politic and corporate, as a
water control and conservation dis-
trict under Section 59 of Article 16
of the Constitution, for the purposes
therein set out, without power of
taxation, and without power to create
any debt payable out of taxation, or
to pledge the credit of the State; de-
fining the powers thereof; the pur-
poses, powers and authority of said
district, authorizing the storing, con-
trolling, conservation, and distribu-
tion of the waters of the Colorado
River and its tributaries, for irriga-
tion, domestic, industrial and munic-
ipal uses, and the development, gen-
eration, distribution and sale of wa-
ter power and electric energy, with
authority to make contracts, leases
and agreements; providing for the
preservation of the priority of exist-
ing water rights and control by the
State Board of Water Engineers over
the use of water by said district;
providing for a board of directors
to manage the affairs of said district,
under the control of the State Board
of Water Engineers, and for the
selection of a secretary, general man-
ager, engineers, attorneys, and other
agents and employees; setting out
the domicile of said corporation and
providing for the keeping of records
thereof; providing for acquiring, con-
structing, maintaining, and operating
of all necessary properties, lands,
rights, easements and improvements,
and conferring the authority of emi-
nent domain; authorizing such dis-
trict to borrow money and to issue
obligations in payment of money
borrowed or of property acquired,
and prescribing the terms and con-
ditions of the issuance of such obli-
gations, and the pledging of the
property and income of the district
to secure the payment thereof; pre-
scribing all necessary details; pro-
viding that if any of the provisions
of this Act shall be invalid, the
validity of the other provisions there-
of shall not be affected; and declar-
ing an emergency."

(With amendments.)

The House has passed the follow-
ing resolution:

H. C. R. No. 24, Authorizing the
payment of a printing and binding
bill to the Hicks-Gaston Printing
Company of Dallas, Texas.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

S. B. No. 20, A bill to be entitled
"An Act validating, ratifying and
approving ordinances of all home
rule cities in this State having a pop-
ulation of more than twenty thou-
sand (20,000) and less than twenty-
one thousand (21,000) inhabitants,
according to the last preceding Fed-
eral census; relinquishing, discon-
tinuing, and segregating territory in
the corporate limits of said home rule
cities."

S. B. No. 29, A bill to be entitled
"An Act amending Chapter 25 of
the Acts of the Thirty-ninth Legisla-
ture, Regular Session, adding there-
to a section to be 'Section 90-a,'
and, in substance to provide that
certain water control and improve-
ment district (in addition to, or in
lieu of securing their bonds by the
levy and collection of taxes, are now
provided) may enter into bonds; and
providing that, in case the districts
obligations are secured both by tax-
ation and the pledge of revenues,
etc., and declaring an emergency."

S. B. No. 31, A bill to be entitled
"An Act declaring it unlawful to
take any wild duck, wild goose, wild
brant wild snipe or wild coot at
any time other than during the open
season; prohibiting the taking or
possessing of any of such birds in
excess of the bag limit; defining
open seasons and bag limits; provid-
ing a suitable penalty; repealing laws
in conflict with this Act; charging
the Game, Fish and Oyster Commis-
sion with the duty of proclaiming
open seasons and bag limits for wild
ducks, wild geese, wild brant, wild
snipe or wild coot; providing that
such open seasons and bag limits
shall be fixed after the determina-
tion of certain facts; providing how
such regulations shall be issued and
that that after issuance when such

regulations shall become effective; providing for the suspension of such regulations; providing that any interested party affected by this Act and dissatisfied with any regulations promulgated by the commission shall have the right to file a suit in a competent court in Travis County to test the validity of said Act or regulations.

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 11, A bill to be entitled "An Act amending Title 42, Chapter 13, Part 2, R. C. S. 1925, with reference to receivers and receiverships by adding thereto the following article to be known as Article 2320-a, authorizing proceedings by persons defined herein in the relief of debtors and providing for reorganization and readjustment of their indebtedness and affairs, providing the method, means and manner thereof and for proceedings in furtherance and aid thereof and for the adjudication of the rights of parties affected; prescribing jurisdiction and the power and authority of judges and courts in the premises to protect the assets of such debtors and to safeguard and insure the continuation of the business of such debtors to the end that they shall continue to provide employment for labor and to encourage the orderly and economical administration of the affairs of such debtors, and providing generally for the relief of distressed debtors, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 6, A bill to be entitled "An Act amending Article 3369, Revised Civil Statutes of Texas, 1925, correcting the same by inserting the

words 'testamentary or' after the word 'letters' in the last sentence thereof, and declaring an emergency."

S. B. No. 7, A bill to be entitled "An Act amending Article 4195-A, Acts of the Fortieth Legislature, Regular Session, Chapter 31, page 43, correcting the same by inserting the word 'ward' in place of the word 'minor' and by inserting the number '4198' in place of the number '4197,' and declaring an emergency."

S. B. No. 8, A bill to be entitled "An Act amending Article 1043, Revised Civil Statutes of Texas, 1925, so as to permit municipal corporations whose fiscal year runs otherwise than the calendar year to require assessment to cover property possessed or controlled on the first day of the fiscal year, such inventory to be handed to the city assessor and collector within the first three months of the fiscal year, and declaring an emergency."

S. B. No. 14, A bill to be entitled "An Act to declare a closed season on the killing of blue quail, bob whites, and doves in Terry County for a period of five years, prescribing a penalty therefor, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. C. R. No. 25, Providing for a committee to study oil, gas and mineral tax laws.

H. B. No. 9, A bill to be entitled "An Act to amend Section 6-a, of Section 27, of the General Laws of the Forty-third Legislature, First Called Session, so as to reduce registration license fees on commercial motor vehicles, without trailers or semi-trailers, when same are used exclusively by the owner thereof, in the transportation of his poultry, dairy, livestock and farm products, grown or produced by him to market or to other points, for sale or processing, and for the transportation of laborers from their place of residence, and materials, tools, equipment, and supplies, without

charge, by the owner of such commercial motor vehicle from place of purchase or storage to his own farm or ranch for his exclusive use or use on such farm, etc., and declaring an emergency."

Respectfully Submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House had passed the following bills:

S. B. No. 22, A bill to be entitled "An Act amending Article 198, Title 8, Revised Civil Statutes of 1925, as amended by Chapter 38, of the Forty-second Legislature at its Third Called Session, by placing Hunt County within, to compose a part of, both the Fifth (5th) and Sixth (6th) Supreme Judicial Districts of Texas, and regulating the filing, in the respective Courts of Civil Appeals established in said districts, cases appealed from the trial courts of Hunt County, and declaring an emergency."

S. B. No. 18, A bill to be entitled "An Act to prohibit the sale of barbituric acid or derivatives and compounds thereof under any copyrighted or chemical names, except to wholesale drug houses, chemical houses and dispensing pharmacies or practicing physicians; providing that the same may not be dispensed except by a practicing physician or retail pharmacy on prescriptions written by a legally qualified practicing physician; providing certain rules and regulations; prescribing a penalty for the violation of this Act; and declaring an emergency."

S. B. No. 36, A bill to be entitled "An Act to amend Chapter 6, Article 2092, of the Revised Civil Statutes, pertaining to certain district court rules, practice and procedure thereunder, by adding to said article Subdivision 18-a, Sections 1 and 2, and inserting same between Divisions 18 and 19, and for the appointment of an assignment clerk to serve under the presiding judge in setting and disposing of civil cases on the general jury docket; fixing the duties and salary of such assignment clerk and providing a method of payment,

term of office and dismissal thereof, and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two houses on S. B. No. 3. The following are conferees on the part of the House:

Englehard, Graves, Hughes, Van Zandt and Scott.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 22, A bill to be entitled "An Act making an emergency appropriation for the State Commission for the Blind; authorizing the State Commission for the Blind to employ an additional stenographer; providing for the salary of said stenographer; providing how the remainder of said appropriation shall be used, and declaring an emergency."

H. B. No. 66, A bill to be entitled "An Act making an emergency appropriation of money for the board of county and district road indebtedness; providing the purposes thereof, the means and manner of expenditure thereof, and declaring an emergency."

H. B. No. 87, A bill to be entitled "An Act granting Ernest A. Landman, of Athens, Texas, permission to bring suit against the State of Texas in the District Court of Henderson County for attorney's fees amounting to two thousand two hundred fifty dollars (\$2,250) for the collection of the sum of twenty-two thousand five hundred dollars (\$22,500) from the bondsmen of the Athens National Bank of Athens, Henderson County, Texas; providing that such suit may be filed within two (2) years after this Act takes effect;

providing for the method of serving processes and for procedure governing the trial and determination of such suit, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.
Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 35, A bill to be entitled "An Act providing that the office of assessor and collector of taxes, as combined by Sections 14 and 16, of Article 8, of the Texas Constitution, as the same was amended on November 8, 1932, shall give a bond conditioned for the faithful performance of the duties of the office of assessor and collector of taxes; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.
Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the conference committee report on H. B. No. 1 by a vote of 59 yeas and 57 nays and requests the Senate for the appointment of a new conference committee to consider further the differences between the two Houses. The following conferees have been appointed on the part of the House:

Representatives Clayton, Kayton, Good, Latham, Jones of Atascosa.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.
Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that Mr. Latham has resigned from the new conference committee on H. B. No. 1 and Mr. Moore has been appointed on the committee.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills and Resolutions Referred.

H. B. No. 9, referred to the Committee on State Highways and Motor Traffic.

H. B. No. 35, referred to the Committee on State Affairs.

H. B. No. 22, referred to the Committee on Finance.

H. B. No. 66, referred to the Committee on Finance.

H. B. No. 87, referred to the Committee on State Affairs.

H. C. R. No. 24, referred to the Committee on Finance.

H. C. R. No. 25, referred to the Committee on Finance.

Senate Resolution No. 27.

Senator Holbrook moved to take up S. R. No. 27.

The Senate refused to take up the resolution by the following vote:

Yeas—15.

Beck.	Purl.
Cousins.	Rawlings.
Greer.	Sanderford.
Holbrook.	Stone.
Hopkins.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.
Patton.	

Nays—11.

Blackert.	Oneal.
Collie.	Pace.
DeBerry.	Poage.
Duggan.	Redditt.
Hornsby.	Regan.
Moore.	

Absent.

Murphy.

Absent—Excused.

Fellbaum.	Small.
Martin.	

S. R. No. 27 was referred to the Committee on Finance.

Motion to Reconsider.

Senator DeBerry moved to reconsider the vote by which the Free Conference Report on H. B. No. 1 was adopted and spread on the Journal.

Recess.

On motion of Senator Moore, the Senate, at 7:50 o'clock p. m., recessed until 8:30 o'clock p. m.

After Recess.

The Senate met at 8:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Motion to Concur.

Senator Redditt moved that the Senate concur in House amendments to S. B. No. 31.

The motion prevailed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.	Small.
Martin.	

House Bill No. 94.

Senator Blackert called up H. B. No. 94.

H. B. No. 94, A bill to be entitled "An Act for the purpose of opening the waters of Espiritu Santo Bay, in Calhoun County, Texas, for shrimp trawling during the months of September, October, November, and December of each year; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Blackert, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 94 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Cousins.
Blackert.	DeBerry.
Collie.	Duggan.

Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Moore.	Regan.
Murphy.	Sanderford.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

Absent—Excused.

Fellbaum.	Small.
Martin.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.	Small.
Martin.	

House Bill No. 42.

Senator Woodward asked unanimous consent to take up at this time H. B. No. 42.

Consent was granted.

H. B. No. 42, A bill to be entitled "An Act authorizing the Secretary of the Board of Legal Examiners with the approval of the Supreme Court to appoint an assistant to serve during the months of February and March, June and July, October and November, prescribing a salary for same, authorizing payment of said assistants out of the fees of office of the clerk of the Supreme Court, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 42 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.	Small.
Martin.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Parr.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.	Small.
Martin.	

Motion to Concur.

Senator Purl moved that the Senate concur in House amendment to S. B. No. 36.

The motion prevailed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Parr.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.	Small.
Martin.	

House Bill No. 93.

Senator Hornsby asked unanimous consent to take up and pass H. B. No. 93.

Consent was granted.

H. B. No. 93, A bill to be entitled "An Act granting to Miss Maude Reichaw permission to bring suit against the State of Texas and the State Highway Department as in other civil cases, and creating an emergency."

Senator Hornsby sent up the following amendment:

Amend the caption of H. B. No. 93 by placing a semicolon after the word "cases" and inserting the words: "placing venue in Travis County, Texas."

HORNSBY.

The amendment was adopted.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 93 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Cousins.
Blackert.	DeBerry.
Collie.	Duggan.

Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Moore.	Parr.
Murphy.	Sanderford.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Patton.	Woodward.
Poage.	

Absent—Excused.

Fellbaum.	Small.
Martin.	

Read third time and finally passed
by the following vote:

Yeas—26.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

DeBerry.

Absent—Excused.

Fellbaum.	Small.
Martin.	

House Bill No. 68.

Senator Parr called up H. B.
No. 68.

H. B. No. 68, A bill to be entitled
"An Act to provide that cities with
a population of more than nine thou-
sand seventy (9,070) and less than
nine thousand and eighty (9,080) in-
habitants, according to the last pre-
ceding Federal census, may mort-
gage and encumber their abattoirs
and the income thereof for the pur-
pose of constructing, acquiring or
improving the same; providing for
manner of issuance of notes or war-
rants for such purposes, and provid-
ing that this law shall take prece-
dence over conflicting charter provi-
sions; repealing all laws in conflict

herewith; providing a saving clause,
and declaring an emergency."

The committee report recommend-
ing that the bill be not printed was
adopted by unanimous consent.

The committee amendment was
adopted.

The bill was read second time and
passed to third reading.

On motion of Senator Parr, the
constitutional rule requiring bills to
be read on three several days was
suspended and H. B. No. 68 was put
on its third reading and final passage
by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.	Small.
Martin.	

Read third time and finally passed
by the following vote:

Yeas—25.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—2.

Collie.	DeBerry.
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Absent—Excused.

Fellbaum.	Small.
Martin.	

House Bill No. 25.

Senator Rawlings called up H. B. No. 25, which had been set for special order.

H. B. No. 25, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, any county, city, school district, road district, levee improvement district, water improvement district, irrigation district and other defined subdivisions of the State, provided same are paid on or before February 1, 1935; etc., and declaring an emergency."

The committee substitute was adopted.

Senator Rawlings sent up the following amendment:

Amend C. S. H. B. No. 25 by striking out the paragraph beginning with line 24 and ending with line 34 on page 4.

RAWLINGS.

The amendment was read.

The bill is pending.

House Bill No. 82.

Senator Neal called up H. B. No. 82.

H. B. No. 82, A bill to be entitled "An Act amending Article 3902, of the Revised Civil Statutes of 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, and as amended by Chapter 59, of the Second Called Session of the Forty-third Legislature; providing for salaries that may be paid to certain assistants to certain officers in certain counties; and amending Article 3886, of Revised Civil Statutes of 1925, as amended by Chapter 20, Acts of Regular Session of Forty-first Legislature, Fourth Called Session, and as amended by Chapter 110, Acts of Forty-third Legislature, First Called Session, and as amended by Chapter 49, Acts of Forty-third Legislature, First Called Session, and as amended by Chapter 18, Acts of Forty-third Legislature, Second Called Session, and as amended by Chapter 40, Acts of Forty-third Legislature, First Called Session; providing for the appointment and compensation of stenographers and investigators in the dis-

trict attorney's office or criminal district attorney's office in certain counties, and declaring an emergency."

Senator Neal sent up the following amendment to H. B. No. 82:

Amend H. B. No. 82, Section 2, after the words "Chapter 110, Acts of the Forty-third Legislature, First Called Session" by inserting the following: "As amended by Chapter 49, Acts of the Forty-third Legislature, First Called Session."

NEAL.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 82 was put on its third reading and final passage by the following vote:

Yeas—27

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.	Small.
Martin.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—3.

Collie. Poage.
DeBerry.

Absent—Excused.

Fellbaum. Small.
Martin.

House Bill No. 65.

Senator Poage called up H. B. No. 65.

H. B. No. 65, A bill to be entitled "An Act making it unlawful to kill wild fox, or to take or have in one's possession for barter or sale the pelts of wild fox, in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

Senator Woodruff sent up the following amendment to H. B. No. 65:

Amend H. B. No. 65 by striking out the words "Ellis" and "Palo Pinto" and by inserting in lieu thereof "Henderson County."

WOODRUFF.

The amendment was read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 65 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck. Pace.
Blackert. Parr.
Collie. Patton.
Cousins. Poage.
DeBerry. Purl.
Duggan. Rawlings.
Greer. Redditt.
Holbrook. Regan.
Hopkins. Sanderford.
Hornsby. Stone.
Moore. Woodruff.
Murphy. Woodul.
Neal. Woodward.
Oneal.

Absent—Excused.

Fellbaum. Small.
Martin.

Read third time and finally passed by the following vote:

Yeas—27.

Beck. Pace.
Blackert. Parr.
Collie. Patton.
Cousins. Poage.
DeBerry. Purl.
Duggan. Rawlings.
Greer. Redditt.
Holbrook. Regan.
Hopkins. Sanderford.
Hornsby. Stone.
Moore. Woodruff.
Murphy. Woodul.
Neal. Woodward.
Oneal.

Absent—Excused.

Fellbaum. Small.
Martin.

House Bill No. 25.

Senator Rawlings amendment to committee substitute to H. B. No. 25 was lost by the following vote:

Yeas—8.

Collie. Patton.
Cousins. Rawlings.
Neal. Sanderford.
Parr. Woodruff.

Nays—14.

Blackert. Murphy.
DeBerry. Oneal.
Duggan. Pace.
Greer. Poage.
Holbrook. Purl.
Hornsby. Stone.
Moore. Woodul.

Absent.

Beck. Regan.
Hopkins. Woodward.
Redditt.

Absent—Excused.

Fellbaum. Small.
Martin.

Senator Woodruff sent up the following amendment:

Amend committee substitute to H. B. No. 25 by striking the words "interest" or "interests" wherever they appear in the bill.

WOODRUFF.

Senator Purl moved to table the amendment by Senator Woodruff to committee substitute to H. B. No. 25.

The motion to table prevailed by the following vote:

Yeas—15.

Blackert.	Oneal.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Hornsby.	Rawlings.
Moore.	Redditt.
Murphy.	Sanderford.
Neal.	

Nays—9.

Cousins.	Regan.
Greer.	Stone.
Holbrook.	Woodruff.
Pace.	Woodul.
Parr.	

Absent.

Beck.	Woodward.
Hopkins.	

Absent—Excused.

Fellbaum.	Small.
Martin.	

Senator Sanderford sent up the following amendment to committee substitute to H. B. No. 25:

Amend committee substitute to H. B. No. 25, page 4, line 23, by striking out the words and figures "February 1, 1935," and inserting in lieu thereof the words and figures "August 31, 1935."

SANDERFORD.

Senator Oneal moved to table the Sanderford amendment.

The motion to table prevailed by the following vote:

Yeas—17.

Blackert.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Regan.
Moore.	Stone.
Murphy.	Woodul.
Neal.	

Nays—7.

Collie.	Redditt.
Cousins.	Sanderford.
Patton.	Woodruff.
Rawlings.	

Absent.

Beck.	Woodward.
Hopkins.	

Absent—Excused

Fellbaum.	Small.
Martin.	

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and committee substitute for H. B. No. 25 was put on its second reading by the following vote:

Yeas—18.

Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Hornsby.	Redditt.
Murphy.	Regan.
Neal.	Sanderford.
Oneal.	Stone.
Parr.	Woodruff.

Nays—6.

Blackert.	Moore.
Greer.	Pace.
Holbrook.	Woodul.

Absent.

Beck.	Woodward.
Hopkins.	

Absent—Excused.

Fellbaum.	Small.
Martin.	

The bill was read second time and passed to third reading.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and committee substitute for H. B. No. 25 was put on its third reading and final passage by the following vote:

Yeas—20.

Blackert.	Neal.
Collie.	Oneal.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Hornsby.	Purl.
Murphy.	Rawlings.

Redditt.	Stone.
Regan.	Woodruff.
Sanderford.	Woodward.

Nays—5.

Greer.	Pace.
Holbrook.	Woodul.
Moore.	

Absent.

Beck.	Hopkins.
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Absent—Excused.

Fellbaum.	Small.
Martin.	

Read third time and finally passed
by the following vote:

Yeas—21.

Collie.	Poage.
Cousins.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodward.
Parr.	

Nays—5.

Blackert.	Pace.
Holbrook.	Woodul.
Moore.	

Absent.

Beck.

Absent—Excused.

Fellbaum.	Small.
Martin.	

Senator Woodul asks for a verification of the vote.

House Bill No. 81.

The Chair recognized Senator Redditt to take up H. B. No. 31.

Unanimous consent was granted.

H. B. No. 31, A bill to be entitled "An Act amending Section 3 of H. B. No. 81, Chapter 29, Acts First Called Session, Forty-third Legislature; providing for a Wholesale Fish Dealers License, Retail Fish Dealers License; providing for a refund on Retail Fish Dealers Licenses issued since September 1st 1934, for a place of business in a city or town of more than forty thousand population; Bait Dealers License, Oyster Dealers

License, Retail Dealers Truck License and the fees and requirements for same; providing the size of mesh for seines or nets that may be licensed; defining place of business and providing for the display of the license required; providing a penalty and declaring an emergency."

Senator Collie sent up the following amendment to H. B. No. 31:

Pending.

S. C. R. No. 13.

On motion of Senator Oneal S. C. R. No. 13 was adopted by viva voce vote.

Senate Bill No. 28.

Senator Purl moved to suspend the regular order of business and take up S. B. No. 28.

Point of Order.

Senator Poage raised a point of order, that Senator Woodul had talked more than ten minutes.

The Chair sustained the point or order.

Previous Question.

Senator Collie moved to order the previous question on S. B. No. 28.

The motion failed by the following vote:

Yeas—6.

Collie.	Pace.
Holbrook.	Poage.
Hornsby.	Woodruff.

Nays—17.

Blackert.	Patton.
Cousins.	Purl.
Greer.	Rawlings.
Hopkins.	Redditt.
Moore.	Regan.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Present—Not Voting.

DeBerry.

Absent.

Beck.	Sanderford.
Duggan.	

Absent—Excused.

Fellbaum.	Small.
Martin.	

Point of Order.

Senator Woodruff raised the point of order that Senator Cousins had talked more than ten minutes.

Senator Woodul asked unanimous consent to suspend Senate Rule No. 15 and extend the time of Senator Cousins.

The consent was not granted.

Senator Woodul moved that Senate Rule No. 15 be suspended and no time limit placed on Senator Cousins.

The Senate refused to suspend the rule by the following vote:

Yeas—14.

Cousins.	Poage.
Greer.	Patton.
Hopkins.	Purl.
Moore.	Redditt.
Murphy.	Sanderford.
Neal.	Stone.
Oneal.	Woodul.

Nays—8.

Blackert.	Hornsby.
Collie.	Parr.
DeBerry.	Woodruff.
Holbrook.	Woodward.

Present—Not Voting.

Pace.

Absent.

Beck.	Rawlings.
Duggan.	Regan.

Absent—Excused.

Fellbaum.	Small.
Martin.	

Previous Question Ordered.

Senator Purl moved to order the previous question on S. B. No. 28.

The motion prevailed and the previous question was ordered by the following vote:

Yeas—13.

Collie.	Poage.
DeBerry.	Purl.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Woodruff.
Pace.	Woodward.
Parr.	

Nays—12.

Blackert.	Moore.
Cousins.	Murphy.
Greer.	Neal.

Oneal.	Redditt.
Patton.	Stone.
Rawlings.	Woodul.

Absent.

Beck.	Duggan.
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Absent—Excused.

Fellbaum.	Small.
Martin.	

S. B. No. 28, A bill to be entitled "An Act authorizing the State Highway Commission as defined herein, to construct toll bridges and approaches thereto on State highways with funds, procured from the United States Government, its agencies and instrumentalities, through loans and grants, either or both, to operate and maintain said bridges and in reference to each such bridge to issue and to deliver to the United States Government, its agencies and instrumentalities, interest-bearing securities, bearing four per cent (4%) interest, with provisions for registration as to ownership, maturing serially, the maturity of the final installment being within forty (40) years from their date, payable solely from tolls charged for the use of such bridge, with the proviso that they shall not constitute a debt of the State of Texas nor of the Highway Department but shall be special obligations secured by a first lien and pledge of and on the gross revenues received as tolls for the use of said bridge, prescribing the duties of the Highway Commission in reference to the execution, issuance and delivery of said securities, declaring such obligations to be negotiable instruments, providing for approval by the Attorney General of each such issue of securities, and registration by the Comptroller of Public Accounts, prescribing the effect of such approval and registration, and in reference to each such bridge providing for the establishment of special fund in which shall be deposited the proceeds from the sale of such securities and a special fund for the accumulation of moneys to pay the principal and interest of such securities; and after any such loan or loans and grant is authorized by said agency, prohibiting the Highway Commission from paying any expense incurred in the making of applications for any such loan and grant and the preparation, issuance, appro-

val and delivery of said securities, or in designing or supervising the construction of any such bridge but same shall be paid from the proceeds of such loan or loans and grant, placing the duty of the Highway Commission to see that all such expenses are paid from the proceeds of such loan or loans and grant, authorizing the Highway Commission to make contracts in reference to the designing, supervision of the construction of any such bridge limiting its liability to such borrowed or granted funds, prescribing the method of letting contracts and the giving of notice thereof, granting legislative consent to institution of suits in event of default in payment of principal and interest, declaring the legislative intent that as soon as the indebtedness against any such bridge shall have been satisfied said bridge shall immediately become a free bridge, ratifying and validating all applications heretofore filed and steps taken in reference thereto by the Highway Commission, providing that this Act shall be cumulative except wherein in conflict with other laws, repealing such conflicting laws, providing that if any part of this Act is unconstitutional the remaining parts shall remain effective, and declaring an emergency."

The Senate refused to suspend the constitutional rule to take up S. B. No. 28 by the following vote:

Yeas—14.

Blackert.	Pace.
DeBerry.	Parr.
Holbrook.	Purl.
Hopkins.	Regan.
Hornsby.	Sanderford.
Moore.	Woodruff.
Neal.	Woodward.

Nays—10.

Collie.	Patton.
Cousins.	Poage.
Greer.	Redditt.
Murphy.	Stone.
Oneal.	Woodul.

Present—Not Voting.

Rawlings.

Absent.

Beck.

Duggan.

Absent—Excused.

Fellbaum.

Small.

Martin.

Motion to Reconsider.

Senator DeBerry called from the Journal his motion to reconsider the vote by which the free conference report on H. B. No. 1 was adopted.

The motion prevailed by the following vote:

Yeas—16.

Blackert.	Oneal.
Collie.	Patton.
DeBerry.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Regan.
Murphy.	Sanderford.
Neal.	Stone.

Nays—8.

Hopkins.	Redditt.
Moore.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Absent.

Beck.	Duggan.
Cousins.	

Absent—Excused.

Fellbaum.	Small.
Martin.	

Senator Woodruff moved that the Free Conference Committee report be laid on the table subject to call.

As a substitute, Senator DeBerry moved that the Senate refuse to adopt the conference committee report and that a new conference committee be appointed.

The substitute motion was lost by the following vote:

Yeas—10.

Blackert.	Oneal.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Regan.
Murphy.	Sanderford.

Nays—12.

Beck.	Rawlings.
Greer.	Redditt.
Hornsby.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Absent.

Duggan.	Parr.
Holbrook.	Patton.
Hopkins.	

Absent—Excused.

Fellbaum. Small.
Martin.

Senator Woodruff withdrew his motion to lay on the table and moved to adopt the report of the Conference Committee on H. B. No. 1.

Senator Oneal moved to lay on the table subject to call the free conference report on H. B. No. 1.

Pending.

House Bill No. 31.

Recurring business, Collie amendment.

Amend Committee Amendment No. 1, paragraph 3, Section 3, by striking out the word "five," in line 2, and the figures "5,000," in line 3, and insert in lieu thereof the words and figures "seven (7,000)."

COLLIE.

Read and adopted.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time and passed to third reading.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 31 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent.

Duggan. Holbrook.

Absent—Excused.

Fellbaum. Small.
Martin.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent.

Duggan. Martin.
Holbrook.

Absent—Excused.

Fellbaum. Small.

Recess.

On motion of Senator Oneal, the Senate, at 11:50 o'clock p. m., recessed until 10:00 o'clock a. m. Tuesday.

APPENDIX.**Petitions and Memorials.****INDUSTRIAL ACCIDENT BOARD OF TEXAS.**

Austin, Texas, Sept. 12, 1934.

Senator Walter Woodward,
Senate Chamber,
Austin, Texas.

Dear Senator Woodward:

I am leaving town for a few days but before doing so am taking the liberty to write you with reference to relief legislation now pending. The House has already named the Board of Control as the State relief agency and after giving the matter much thought, it is my opinion that this is a wise thing to do. The Board of Control was created to act with the Legislature in controlling excessive expenditure of public funds and for that reason alone is the best agency to expend relief funds. Furthermore, its members are composed of competent men who have sound judgment. It can function

quickly, efficiently and without undue friction. In dealing with the Federal Government, it can act as a unit for Texas.

Some other members of the Relief Commission, viz., M. N. Chrestman of Dallas, Houston Harte of San Angelo and Robt. L. Holliday of El Paso, have authorized me to say that these are also their views on this subject. However, we hope you will not think we are trying to avoid any responsibility placed upon us as members of the Texas Relief Commission. We would gladly continue in that capacity were it deemed best for the State under existing conditions, even though it would continue us in a position both difficult and unpleasant. We would like for you to feel that we are not actuated by selfish motives in suggesting that the Senate concur with the House in making this change.

Yours very truly,

EARLE P. ADAMS,

Chairman, Industrial Accident Board.

EPA-C

To the Honorable Presiding Officers and Members of The Texas Senate and House of Representatives:

Pursuant to S. C. R. No. 5, we, the Pink Boll Worm Compensation Claim Board, submit the following report:

The board began its operation on the 17th of November, 1933, with office established in the Department of Agriculture. Our first steps were to warn the claimants not to make contracts with various agents to represent them upon a commission basis and to contact the thousands of claimants scattered over a good portion of the United States. We did this through the daily press, the local papers in the counties affected, the county agents, commercial secretaries, county judges, bankers, etc. There being no gin records, except for the calendar year 1929, we immediately communicated with ginners requesting their cooperation and followed this up by sending an auditor to visit each ginner who had operated under the quarantine regulations.

During the time necessary to contact the growers and secure gin records we made up claim sheets which would meet the requirements of law and at the same time be so simple in form they would be readily

understood by the growers. In doing this we consulted the State Auditor and from time to time sought legal advice from the Attorney General.

Soon as a large majority of the claimants had been contacted we held the required public hearings in the different counties, after having given the public and private notices required by law.

In case the appropriation was not sufficient to pay all claims in full, the board was directed by the appropriation bill to prorate the total amount upon the basis of adjustment. This necessitated the fixing of a final date for filing claims. The Legislature at the Second Called Session fixed April 15, 1934, as this date.

The policy of the board has been to hold sessions from time to time as needed and adjourn when the work for which the board was called had been completed. But, after the final filings up to April 15th had all been received, the board remained in continuous session and worked on the claims as regular auditors until all claims had been checked against the gin records. This was done in order to become perfectly familiar with the claims and to supervise the correspondence relating to discrepancies, duplications disputes, general errors and suggestions for additional proofs.

The work has been voluminous, very complicated and long drawn out. We had no precedent to guide us and had to use an untrained force. No one can conceive of the unavoidable details and delays, without personally contacting the work and we invite each and every one of you to make such personal investigations of our work as you may desire. Sometimes the claim of one person would be mixed with a score or more tenants and subtenants, scattered about at various gins and covering different years. Besides this, sometimes such claim would be involved in many disputes with the records often incomplete or missing altogether, which would involve examining affidavits, contracts, etc.

In estimating the amount of compensation, the board had to deal with numerous factors, many of them conflicting. As an example, after the year 1929 a majority of the ginners

claimed they made no charges for sterilizing cotton seed. But there was no general difference between ginning charges of those who claimed they did charge for sterilization and those who claimed they did not charge. The charges when made were not uniform. Some were a flat rate of so much per bale, others so much per hundred pounds of seed cotton and still others so much per hundred pounds of lint.

On the other hand the growers all made sworn claims to sterilization costs. The appropriation bill providing for reimbursement to growers and producers only, covering a period of four years, was not opposed by the ginners. In our public hearings we took the position that sterilization costs were embodied in the ginning charges as a business principle and would be so considered by the board unless proof was furnished to the contrary. This position was not challenged by any ginner at any of our public meetings in the quarantine area. Based upon these facts the board agreed that the growers and producers were entitled to compensation covering the periods of time they were under quarantine during the four year period that regulations were in effect.

After deciding that compensation should be allowed for sterilization the question then was how much? In reaching a conclusion on this question we examined all data available as to the cost of sterilizing cotton seed. We found these costs ranged from 45c to 70c per bale. We were also advised that the costs should be practically the same to all ginners, except where local conditions might cause additional expense. We found such conditions did exist at the Barstow and Imperial gins where water had to be hauled. We were given specific verbal advice by the Attorney General's Department that we should reimburse the claim-

ants upon a basis of actual costs and not upon what was claimed to have been charged. The duty of the board to do this is also clearly implied in the statute. Taking the figures of actual costs the board fixed the compensation for the sterilization of cotton seed at 60c per bale, except the gins at Barstow and Imperial, which were fixed at 70c per bale. Of course, all claims for sterilization which were less than 60c per bale were paid as claimed. Fumigation costs were not in dispute and were allowed as presented except an item of 25c per bale connected with freight charges at Marfa, which was not allowed.

All claims legally established have been paid in full for the fumigation of the lint cotton and upon a basis of 60c and 70c per bale for the sterilization of seed, except a number of claims where adjustments were held up for further proof.

Attached is a list of all disbursements of the board up to the present time. These figures show the amounts paid to the growers of each county and their total. They also show the general administrative expenditures and the purposes for which they were made. The report is as complete as could be made on short notice. We trust it is sufficiently comprehensive to meet the purposes of your resolution.

You will observe that the total administrative cost is less than 3% of the appropriation. The board arranged to give the claimants the advantage of the most liberal buyers of State warrants. The whole total cost and discounts will not exceed 6%, leaving the growers not less than 94c on the dollar, net.

FRED W. DAVIS,
Chairman of Board.
J. A. HUMPHRIES,
Member.
JOE E. EDMONDSON,
Member.

EXPENDITURE ANALYSIS FOR PINK BOLLWORM COMPENSATION CLAIM BOARD.

(Total Expenditure Through September 19, 1934, Inclusive.)

Number.	Classification.	Amount.	Total.
1103	Members of boards and commission	\$ 1,905.00	
1123	Auditors, stenographers, clerks	8,613.95	
2140	Rent on office equipment	22.00	

Number.	Classification.	Amount.	Total.
4210	Postage	1,370.00	
2420	Telephone and telegraph.....	40.47	
2510	Fares—Railroad and bus.....	138.54	
2520	Mileage allowance on personal car.....	272.78	
2530	Hotel and room rent.....	472.65	
2540	Meals	428.77	
3170	Office supplies	66.86	
3110	Stationery	499.17	
3830	Storage and washing.....	.50	
2440	Advertising, publication of notices.....	41.10	
5580	Office equipment—Repairs75	
Expenditures to September 1, 1934.....		\$ 13,872.54	
From September 1, 1934, to September 20, 1934 (Not allocated).....		481.99	
		\$ 14,354.53	
8110	Indemnities paid to September 20, 1934.....	414,349.18	
Total expenditures to September 20, 1934.....			\$428,703.71
Balance unexpended			71,296.29
Appropriation			\$500,000.00

For distribution by counties, see Exhibit "A," attached.

EXHIBIT "A."

DISTRIBUTION BY COUNTIES.

Showing Bales Per Year, Total Bales, and Total Amount Reimbursed.

County.	Year 1929, No. bales.	Year 1930, No. bales.	Year 1931, No. bales.	Year 1932, No. bales.	Total bales.	Total Amount.
Midland	6,545	4,768	8,097	7,762	27,172	\$ 28,530.31
Martin	9,289	4,400			13,689	19,436.98
Howard	18,832	12,316			31,148	39,536.71
Ward	2,568	1,950	1,908	1,378	7,804	9,981.80
Reeves	2,694	2,889	2,845	2,018	10,445	11,887.88
Pecos	1,679	827	947	446	3,899	7,057.95
El Paso	41,447	44,087	41,015	26,260	152,809	180,287.15
Presidio	3,766	3,930	3,080	837	11,613	28,575.23
Dawson	30,190	21,121			51,311	67,345.43
Brewster	27	27	30		84	218.40
Hudspeth	2,865	4,536	5,010	2,623	15,034	21,479.28
Totals.....	119,902	100,851	62,932	41,324	325,009	\$414,347.12

Note: The above are all the counties in which gins were located. The quarantined cotton in the other smaller counties were brought into the above counties to be ginned and are included.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 18, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, Sept. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 22, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 20 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 6 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 7 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 14 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 29 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 8 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. B. No. 11 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 9, A bill to be entitled "An Act to amend Section 6-A of Section 27, of the General Laws of the Forty-third Legislature, First Called Session, so as to reduce registration license fees on commercial motor vehicles, without trailers or semi-trailers, when same are used exclusively by the owner thereof, in the transportation of his poultry, dairy, livestock and farm products, grown or produced by him, to market or to other points for sale or processing, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 11, A bill to be entitled "An Act granting permission to Sam Tobolowsky and James A. Gripeotis to bring suit against the State of Texas and the State Highway Department in the District Court of Travis County, Texas, for damages for destruction of their lease at Vickery Dining Hall, Vickery, Texas; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOPKINS, Chairman.

By Parkhouse, et al. H. B. No. 11.

A BILL

To Be Entitled

An Act granting permission to Sam Tobolowsky and James A. Gripe-

otis to bring suit against the State of Texas and the State Highway Department in the District Court of Travis County, Texas, for damages for destruction of their lease at Vickery Dining Hall, Vickery, Texas; providing that such suit may be filed within two (2) years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Sam Tobolowsky and James A. Gripeotis, be and they are hereby granted permission to bring suit against the State of Texas and the State Highway Commission for damages for the obstruction of their only avenue of ingress and egress by the State Highway Commission in constructing State Highway No. 5 and Federal Highway No. 75, and the destruction of the value of their lease at Vickery Dining Hall, Vickery, Texas, from February 1, 1932 to September 15, 1932.

Sec. 2. That such suit may be filed in the District Court of Travis County, Texas, at any time within two (2) years from the date this Act takes effect.

Sec. 3. That such suit upon said cause of action shall be tried and determined in the trial and appellate courts according to the same rules of law and procedure as to liability and defense that would be applicable if such suit were against an ordinary Texas corporation.

Sec. 4. That process in such suit may be served upon the Highway Commission and the Attorney General of Texas with the same force and effect as in civil cases.

Sec. 5. The fact that there is no law now permitting the said Sam Tobolowsky and James A. Gripeotis to sue the State on account of such damages, and the fact that suit has been pending in the District Court of Travis County, Texas, on this claim since March 19, 1934, and the same cannot proceed to trial until this bill becomes effective, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended and said

rule is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Sept. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 77, A bill to be entitled "An Act granting W. J. Harris, of Mineral Wells, Palo Pinto County, Texas, permission to bring suit against the State of Texas and the State Highway Department in the District Court of Travis County, Texas, for damages to automobile and injuries to W. J. Harris; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOPKINS, Chairman.

By Kyle.

H. B. No. 77.

A BILL

To Be Entitled

An Act granting W. J. Harris, of Mineral Wells, Palo Pinto County, Texas, permission to bring suit against the State of Texas and the State Highway Department in the District Court of Travis County, Texas, for damages to automobile and injuries to W. J. Harris; providing that such suit may be filed within two years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. W. J. Harris be, and he is hereby granted permission to bring suit against the State of Texas and the State Highway Commission for injuries to the said W. J. Harris of Mineral Wells, Palo Pinto County, Texas, and for damages to automobile, said injuries and damages being caused from a board that had fallen in such a manner that it extended out of the Brazos River bridge and caught said W. J. Harris's automobile, causing great damage to said automobile and serious injury to Mr. Harris, on September 3, 1934.

Sec. 2. That such suit may be

filed in the District Court of Travis County, Texas, at any time within two years from the date this Act takes effect.

Sec. 3. That such suit upon said cause of action, shall be tried and determined in the trial and appellate courts according to the same rules of law and procedure as to liability and defense that would be applicable if such suit were against an ordinary Texas corporation.

Sec. 4. That process in such suit may be served upon the Highway Commission and the Attorney General of Texas with the same force and effect as in civil cases.

Sec. 5. The fact that there is no law now permitting the said W. J. Harris to sue the State on account of such injuries and damages, and the fact that suit has been pending in the District Court of Travis County, Texas, on this claim since _____, and the same cannot proceed to trial until this bill becomes effective, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended and said rule is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 80, A bill to be entitled "An Act authorizing Mrs. C. C. Hannis, a widow, to sue the State of Texas and/or the State Highway Commission in its official capacity, on account of damages to the tract of land in Stonewall County, Texas, fixing the venue of such suit and providing for the issuance and service of process therein, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOPKINS, Chairman.

By Wagstaff. H. B. No. 80.

A BILL

To Be Entitled

An Act authorizing Mrs. C. C. Hannis

a widow, to sue the State of Texas and/or the State Highway Commission in its official capacity, on account of damages to the tract of land in Stonewall County, Texas, fixing the venue of such suit and providing for the issuance and service of process therein, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. The State of Texas hereby consents to the filing and prosecution of a suit by Mrs. C. C. Hannis, a widow, in the District Court of Stonewall County, Texas, on account of an alleged injury to her property, being one hundred (100) acres of land out of Section 87, Block D. H. & T. C. Railroad Company, in Stonewall County, Texas, being the North one hundred (100) acres of the family homestead of C. E. Hannis and wife, C. C. Hannis, and fully described in deed recorded in Volume 39, page 497 of the Deed Records of Stonewall County, Texas.

Sec. 2. The said Mrs. C. C. Hannis, a widow, is authorized to bring suit against the State of Texas and the Highway Department of Texas in its official capacity, to establish and enforce her claim and secure compensation for her damages to the above described property, both for damages to her property and crops for the year 1934, and for permanent damages to the land, said suit to be filed and prosecuted in the District Court of Stonewall County, Texas. Citation or other necessary process may be issued and served upon the State Highway Commission in its official capacity, and the Attorney General, with the same force and effect as in civil cases.

Sec. 3. The fact that Mrs. C. C. Hannis alleges that has been damaged by reason of certain acts of the State Highway Department of Texas, and that she has no adequate remedy at the present time, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. B. No. 84, A bill to be entitled
"An Act to amend Article 4368, of
the Revised Civil Statutes of Texas
for 1925, relating to the official bond
of the State Treasurer, and provid-
ing that the State Treasurer shall
enter into such bond as may be re-
quired by an Act of Congress to
protect any Federal funds which
shall have been received or which
may hereafter be received by the
State of Texas and deposited with
the State Treasurer; etc., and de-
claring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed in the Journal.

HOPKINS, Chairman.

By Metcalf. H. B. No. 84.

A BILL
To Be Entitled

An Act to amend Article 4368 of the
Revised Civil Statutes of Texas,
of 1925, relating to the official
bond of the State Treasurer, and
providing that the State Treas-
urer shall enter into such bond
as may be required by an Act
of Congress to protect any Federal
funds which shall have been re-
ceived or which may hereafter be
received by the State of Texas and
deposited with the State Treas-
urer; providing that such special
bond shall be in addition to the
regular statutory official bond,
and shall be a separate and dis-
tinct special bond and obligation;
providing the method of payment
for such bond and declaring an
emergency.

Be it enacted by the Legislature of
The State of Texas:

Section 1. That Article 4368 of
the Revised Civil Statutes of Texas,
of 1925, be amended so as to here-
after read as follows:

"Article 4368. The State Treas-
urer shall, within twenty (20) days
after he shall have received notice
of his election, and before he enters
upon the duties of his office, give a
bond payable to and to be approved
by the Governor, in the sum of

Seventy Thousand Dollars (\$70,-
000.00) with a good and solvent
surety company authorized to do
business in this State, conditioned
that he will faithfully execute the
duties of his office. All expense
necessary and incident to the execu-
tion of such bond shall be paid by
the State by appropriation. In addi-
tion to the above the State Treasurer
shall make and enter into any spe-
cial bond as may be required by an
Act of Congress or by any Federal
department or official to protect any
and all Federal funds which shall
have been secured or which may
hereafter be received by the State of
Texas from the Federal Government
and deposited with the State Treas-
urer. Said bond shall be in such
sum and conditioned and approved
as may be prescribed by the Act of
Congress or such department or of-
ficial aforesaid. Said bond shall be
a special bond, and shall be in addi-
tion to the official bond hereinabove
required, and each of said bonds
shall be separate and distinct con-
tracts and obligations, and the lia-
bility under each of said bonds shall
be separate and distinct obligations.
All expense necessary and incident
to the execution of such special bond
shall be paid as in the Act of Con-
gress may be provided or by appro-
priation made by the Legislature of
Texas for such purposes."

Sec. 2. That, whereas, the State
of Texas has received Federal funds
and will receive additional Federal
funds to be expended as public
money within the State of Texas,
and no provision of law exists at
this time providing for the execution
of a bond by the State Treasurer
for the protection of such funds,
creates an emergency and an impera-
tive public necessity requiring that
the constitutional rule which re-
quires that bills be read in each
house on three separate days be sus-
pended, and that this Act shall take
effect and be in force from and after
its passage and approval, and it is
so enacted.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. B. No. 93, A bill to be entitled

"An Act granting to Miss Maude Reichaw permission to bring suit against the State of Texas and the State Highway Department as in other civil cases, and creating an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 75, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools of this State, in all counties having an area of not more than nine hundred (900) square miles and not less than eight hundred seventy-five (875) square miles and not less than eight thousand five hundred (8500) population and not more than eight thousand six hundred and fifty, according to the last preceding Federal Census, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 100, A bill to be entitled "An Act validating the organization of bonds of water improvement districts which have been converted into water control and improvement districts and which have thereafter issued bonds voted before such conversion, validating such conversion, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, Sept. 20, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 34, A bill to be entitled "An Act repealing Chapter 209 of the General Laws of Texas enacted by the Forty-third Legislature, Regular Session, 1933, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, Sept. 21, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

H. C. R. No. 15, "Relative to constructing a new dormitory on Central State Farm."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

PATTON, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 95, A bill to be entitled "An Act authorizing the State Parks Board to locate, designate and suitably mark the historic spots in Texas providing no expense shall be incurred by anyone in the name of the State of Texas for this project; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOPKINS, Chairman.

By Harman, et al. H. B. No. 95.

A BILL
To Be Entitled
An Act authorizing the State Parks Board to locate, designate and

suitably mark the historic spots in Texas; providing no expense shall be incurred by anyone in the name of the State of Texas for this project; repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the State Parks Board is authorized to locate, designate and suitably mark the historic grounds, battlefields and other historic spots in Texas and to erect and cause to be erected thereon fitting markers or monuments in memory of the heroes and the heroic achievements that consecrated, sanctified and made immortal the glorious and resplendent pages of Texas history. No expense shall be incurred by anyone in the name of the State of Texas for this project.

Sec. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. That, whereas, the centennial anniversary of the independence of Texas occurs in 1936, and it is essential and proper that the shrines of Texas heroes sacred to Texas history be located, and fittingly designated and prepared before the date of the Texas Centennial, which facts create an imperative necessity and a public emergency requiring that the constitutional rule providing for the reading of a bill in each house on three several days be suspended, and said rule is suspended and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Sept. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 24, A bill to be entitled "An Act amending Chapter 19, H. B. No. 88, Acts of the Second Called Session of the Forty-third Legislature, declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to pro-

ducers, distributors and processors of milk and milk products; defining certain terms used in the bill; providing for application to the Commissioner of Agriculture by groups engaged in the milk industry in counties having a population in excess of 350,000, according to the Federal census last preceding the time when said application is made from said counties for the setting up of a code, codes or agreements; authorizing local milk industry boards in said counties after hearing to set up and promulgate a code, codes or agreements for fair competition for the milk industry; authorizing said board to impose such conditions as are necessary to make the codes effective and to establish rules and regulations for their conduct; providing penalties for violation of such codes; providing jurisdiction for district courts affecting the operation of the codes; directing county and district attorneys to bring actions to enforce this Act; providing for the amending, modification or change of codes set up under this Act; providing for the publication by said Board of Codes; authorizing the said board to suspend or revoke certificates of authority; providing a penalty for violation of the Act; providing a fee for the certificates of authority and making provisions for funds for the administration of this Act; making an appropriation of such funds for the enforcement of the Act; providing that if any section or provision of the Act should be declared unconstitutional such decisions shall not affect other provisions or portions of this Act; validating all boards and members thereof elected and approved by the Commissioner of Agriculture of the State of Texas under the provisions of Chapter 19, H. B. No. 88, Acts of the Second Called Session of the Forty-third Legislature, and all proceedings had by any such boards; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments and be printed in the Journal.

DeBERRY, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 24, by striking out all of the first paragraph of

Section 3, page 4, thereof, beginning with the words: "a local Milk Industry Board of five (5) members shall be elected as follows:" and the first sentence of the second paragraph of said section, and by substituting in lieu thereof the following:

"In each county of the above mentioned class, a local Milk Industry Board of seven (7) members shall be elected as follows: Three members of the board shall be elected by the contracting producers; two by the contracting distributors; and two members, who shall be residents of the sales area and shall have no connection, financially or otherwise with the distribution of milk or milk products, shall be appointed by the county judge of the county concerned, to represent the consumer.

"Members representing the contracting producers and contracting distributors, respectively, shall be elected in the following manner: The two members representing the producers shall be elected by a majority vote of the producers representing not less than 70 per cent of the total volume of milk produced within the production area for distribution as fluid milk, during the calendar month preceding such election; which volume percentage of production shall include 51 per cent of the producers; provided, such members shall not be in the employ of, or indebted to, or have any connection with, any contracting distributor. One member representing the contracting distributors shall be elected by distributors representing not less than 70 per cent of the total volume of milk sold as fluid milk within the sales area, during the calendar month next preceding such election; and another member representing the contracting distributors shall be elected by a majority vote of the distributors by number voting. Each member so appointed or elected shall serve for a term of two years.

Committee Amendment No. 2.

Amend S. B. No. 24, by inserting between the words "any member" and "may be removed" in next to the last sentence of the section paragraph of Section 3 of said bill:

"representing producers or distributors."

And by adding to the end of said Section 3, the following paragraph:

"The local milk industry boards in counties in which such boards have heretofore been established under provisions of Chapter 9 H. B. No. 88, Acts of the Second Called Session of the Forty-third Legislature, shall continue as now constituted under said H. B. No. 88 until the local milk industry boards, hereby authorized, are legally elected and qualified in compliance with this Act, and the members of the local milk industry boards hereby authorized shall be elected or appointed before December 1, 1934. If all of the members of local milk industry boards provided for in this Act, are not elected as provided in this Act before said December 1, 1934, the members of the local milk industry board, elected or appointed as provided in this Act, shall organize as local milk industry boards to carry out the provisions of this Act, provided that members not elected before December 1, 1934, may thereafter be elected as members of said boards authorized by this Act."

Committee Amendment No. 3.

Amend S. B. No. 24, by amending Section 5 thereof by striking therefrom the words beginning in the fourth line of said section and reading:

"And it is hereby made the duty of said courts to prevent and restrain violations of any such code or codes or agreements of fair competition approved under this Act by the board, and/or any provisions of this Act, and it shall not be necessary in such suit for the plaintiff to allege and prove that such plaintiff will suffer irreparable injury or any damage; nor that it does not have adequate and complete remedy at law," and substituting in lieu thereof after the word "jurisdiction" the following:

"to prevent and restrain violations of any such code, codes or agreements of fair competition approved under this Act by the board; and it shall be the duty of the several district attorneys authorized to act in said localities to institute, under the direction of the board, proceedings in equity to restrain such violations."

Committee Amendment No. 4.

Amend S. B. No. 24, by striking out all of Section 6 thereof and by substituting a new Section 6 to read as follows:

"Sec. 6. Any code, codes, or agreement approved by the board under the authority of this Act may be amended, changed, enlarged, modified or suspended upon the board's own motion with the approval on matters affecting distribution of 10 per cent of the distributors affected in numbers and 60 per cent of the volume of the distributors affected and upon the approval on matter affecting production of 51 per cent of the producers affected and 70 per cent of the volume affected, or upon the application and approval on matters affecting distribution of 10 per cent of the distributors affected in numbers and 60 per cent of the volume of the distributors affected, and on matters affecting production of 51 per cent of the producers affected and 70 per cent of the volume affected, provided the board approves such amendment, change enlargement, modification or suspension. The board must provide for due notice and public hearing of contemplated changes."

By Woodul.

S. B. No. 24.

A BILL

To Be Entitled

An Act amending Chapter 19, H. B. No. 88, Acts of the Second Called Session of the Forty-third Legislature, declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors and processors of milk and milk products; defining certain terms used in the bill; providing for application to the Commissioner of Agriculture by groups engaged in the milk industry in counties having a population in excess of 350,000, according to the Federal census last preceding the time when said application is made from said counties for the setting up of a code, codes or agreements; authorizing local milk industry

boards in said counties after hearing to set up and promulgate a code, codes or agreements for fair competition for the milk industry; authorizing said board to impose such conditions as are necessary to make the codes effective and to establish rules and regulations for their conduct; providing penalties for violation of such codes; providing jurisdiction for district courts affecting the operation of the codes; directing county and district attorneys to bring actions to enforce this Act; providing for the amending, modification or change of codes set up under this Act; providing for the publication by said Board of Codes; authorizing the said board to suspend or revoke certificates of authority; providing a penalty for violation of the Act; providing a fee for the certificates of authority and making provisions for funds for the administration of this Act; making an appropriation of such funds for the enforcement of the Act; providing that if any section or provision of the Act should be declared unconstitutional such decisions shall not affect other provisions or portions of this Act; validating all Boards and members thereof elected and approved by the Commissioner of Agriculture of the State of Texas under the provisions of Chapter 19, H. B. No. 88, Acts of the Second Called Session of the Forty-third Legislature, and all proceedings had by any such Boards; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 19, H. B. No. 88, Acts of the Second Called Session of the Forty-third Legislature be amended so as to hereafter read as follow:

"Section 1. It is hereby declared the policy of the Legislature of Texas to provide for the general welfare in an emergency hereby declared to exist by cooperating with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Industrial Recovery Act within this State with reference to producers and distributors of milk and milk products to the end that

disorganization of the dairy industry may be corrected and the value of this specialized agricultural commodity stabilized, such emergency being particularly acute in the larger centers of the State; to set up a code of fair practice as hereafter provided; and to eliminate unfair competition and practices in the production and distribution of milk and milk products.

"Sec. 2. (a) The term 'person' when used under this Act shall mean any individual, firm, co-partnership, or corporation.

"(b) the term 'producer' shall mean any person regularly engaged in the production of fluid milk for sale.

"(c) 'Distributors' means any of the following persons engaged in the business of handling fluid milk.

"(1) Pasteurizers, bottlers or other processors of fluid milk.

"(2) Persons distributing fluid milk at wholesale or retail: To hotels, restaurants, stores or other establishments for consumption on the premises; to stores or other establishments for resale; or to consumers irrespective of whether any such person is also a producer of milk.

"(d) The term 'processor' shall mean any person who receives or buys milk or milk fats for the purpose of changing its nature or character by physical or chemical means into other forms, such as butter, cheese, ice cream, condensed milk, buttermilk, chocolate, or other flavored milk, or milk converted into any other form.

"(e) The term 'fluid milk' when used under the provisions of this Act shall mean the fresh clean lacteal secretion obtained by the milking of one or more healthy cows which secretion has not been soured nor been skimmed or separated; that it has not less than 8½ per cent of solids not fat, and not less than 3½ per cent milk fat, nor been churned, nor evaporated, or condensed, nor been reduced to powdered form, nor otherwise processed so as to materially change its original condition.

"(f) The term 'milk industry' when used in this Act shall mean producers, distributors and processors of milk and milk products as defined in this Act.

"(g) The term 'milk products' when used under this Act shall mean all products of fluid milk, such as sour and sweet cream, skimmed milk, butter, cheese, ice cream, condensed, evaporated milk, powdered milk, powdered skim milk, buttermilk, chocolate milk or other flavored milks.

"(h) The term 'Commissioner' when used in this Act shall mean the Commissioner of Agriculture of the State of Texas.

"(i) The term 'Board' when used in this Act shall mean the local Milk Industry Board of the County or Counties concerned.

"(j) The term 'members' when used in this Act shall mean the members of the Milk Industry Board.

"(k) The term 'milk shed' shall include all producers and producer operators who now hold permits from the Health Department to sell milk in any area or areas affected by this Act.

"(l) The term 'production area' means that area defined by the Milk Industry Board.

"(m) The term 'due notice' shall mean the mailing of a notice to all of the parties affected, or in lieu thereof, of an advertisement published in a daily newspaper, or in the event there is no daily newspaper then in any other publication of regular issue, said publication to be published in the territory affected. Said advertisement shall be a display advertisement and shall be of a size at least two columns by six inches. Said notice shall be mailed or shall be published at least five days previous to the time of the hearing and it shall contain information as to the time and place of the hearing, and shall state where a copy of the code or a contemplated change in an existing code may be secured.

"(n) A 'retail outlet' shall be a person who handles milk and/or milk products for a resale to people who customarily do not consume them on the premises where sold.

"Sec. 3. Any representative group engaged in the milk industry, in any county having a population in excess of 350,000 according to the Federal census last preceding the time when in said county attempt is made to exercise the provisions of this Act, may submit to the board hereinafter

authorized a code or agreement of fair competition and trade practices. In each county of the above mentioned class, a local milk industry board of five members shall be elected, as follows: Two members of the board shall be elected by the contracting producers; two by the contracting distributors; and the fifth member, to represent the consumers, shall be elected by the other four. Such fifth member shall be a resident of the sales area and shall have no connection, financially or otherwise, with the distribution of milk or products derived therefrom. The fifth member shall be designated by the commissioner in the event such member is not elected within five days of the effective date of this agreement by the four members as above provided.

"Members representing the contracting producers and contracting distributors, respectively, shall be elected by the respective parties in a manner to be determined by themselves, provided that a vote of producers representing not less than 70 per cent of the total volume of milk produced within the production area, for distribution as fluid milk during the calendar month next preceding such election which percentage of distribution shall include 10 per cent of the distributors by number, respectively, shall be necessary for such election. Upon election the names of all the members shall be certified by the party or parties conducting such election to the commissioner for his approval. The commissioner may require that such certification include a statement of the manner and vote by which the respective members were elected and the percentage of the total production or sales of fluid milk within the area represented by such vote. Members whose names have been certified to the commissioner and approved by him shall enter upon the discharge of their duties. The certificate of the commissioner approving such member shall be prima facie evidence that such member has been elected by the required number and percentage of the total volume of milk of the group from which he was elected. If the commissioner shall not approve a member, there shall be a vacancy on the milk industry board. Any member may be

removed with or without cause, by vote of all producers or distributors, as the case may be, representing a volume of milk equal to at least three-fourths of the volume and number by which he was originally elected. Any vacancies on the milk board shall be filled in the same manner and by the same parties as provided for the original election.

"The milk industry board shall be organized by the members of the selection of a chairman, vice-chairman, who shall be members, and a secretary-treasurer who may or may not be a member. The milk industry board shall employ such agents, assistants and clerks as may be necessary to perform its duties. All officers and employees of the milk industry board who handle funds of the milk industry board or who sign or countersign checks upon such funds shall severally give bonds in such amounts and with such sureties as shall be determined by the milk industry board. The cost of such bonds shall be paid by the milk board.

"The members shall serve without compensation, but shall be entitled to reimbursement for the expenses incurred in the performance of their duties.

"Said board shall then provide for due notice to the parties interested and for a hearing on the proposed code and/or agreement. Said board shall make such changes and modifications, if any, in such proposed code as in its discretion will tend to effectuate the policies herein declared. Any proposed code and/or agreement that receives the approval on matters affecting the distributors of 10 per cent of their number and 60 per cent of their volume sold in the milk shed or trade territory affected, and affecting producers of 51 per cent of their number and 70 per cent of their volume represented in the milk shed affected, shall become a duly constituted code upon receiving the approval of the board. The board shall not approve a code or an agreement unless said code contains ample protection for consumers, competitors and tends to effectuate the policies herein declared. Every distributor and every processor and every retail outlet for milk or milk products, as defined in this Act, shall apply to the board for

a certificate of authority following the approval of a code and/or agreement to engage in such milk industry in the territory affected, and no distributor or processor or retail outlet after the effective date of said code, codes or agreements shall engage in or carry on any milk industry in any area where such code, codes or agreements are in effect without such certificate of authority. Every person required to procure a certificate of authority shall pay to the board one (\$1.00) dollar for each certificate issued, said certificate to be valid for a period of one year from date issued, unless revoked sooner as herein provided.

"Sec. 4. After the board shall have approved such code, codes, or agreements, the provisions thereof shall be the standard of fair competition for such milk industry within the area defined in such code, codes or agreements, and any violation of such standards in any transaction in or affecting the milk industry in such area shall be deemed to be an unfair method of competition within the meaning of this Act.

"Sec. 5. Any district court in the State of Texas having jurisdiction over the territory or any portion thereof where such code, codes, or agreements are made effective is hereby invested with jurisdiction, and it is hereby made the duty of said courts to prevent and restrain violations of any such code, codes or agreements of fair competition approved under this Act by the board and/or any provision of this Act, and it shall not be necessary in such suit for the plaintiff to allege and prove that such plaintiff will suffer irreparable injury, or any damage; nor that it does not have an adequate and complete remedy at law. It shall be the duty of the several district attorneys authorized to act in said localities to institute, under the direction of the board, proceedings in equity to restrain such violations.

"Sec. 6. Any code, codes or agreements approved by the board under the authority of this Act may be amended, changed, enlarged, modified or suspended upon the board's own motion and upon the approval on matters affecting distribution of 10 per cent of the distributors affected in numbers and 60 per cent of the volume of the

distributors affected and upon the approval on matters affecting production of 51 per cent of the producers affected and 70 per cent of the volume affected, or upon the application and approval on matters affecting distribution of 10 per cent of the distributors affected in numbers and 60 per cent of the volume of the distributors affected, and on matters affecting production of 51 per cent of the producers affected and 70 per cent of the volume affected. The board must provide for due notice and public hearing of contemplated changes.

"Sec. 7. (a) The board may suspend or revoke such certificate of authority after due notice and opportunity for hearing for violation of the terms and provisions of any code adopted and approved under the authority of this Act.

"(b) Any distributor or processor or retail outlet who without such a certificate of authority carries on any transaction in the intra-state handling of milk or milk products for which a certificate of authority is so required shall upon conviction thereof be fined not to exceed \$200.00 and each day such violation continues shall be deemed a separate offense.

"(c) Any officer, agent or servant of any corporation or firm violating any provision of this Act shall be individually and personally subject to the punishment provided for in Section 7, sub-section (b) of this Act whenever any such officer, agent or servant had knowledge of such violation by the corporation or firm at the time same was committed and where it was at the time of such violation within the power of such officer, agent or servant to prevent same.

"Sec. 8. Any code, codes or agreements authorized hereunder shall provide for and have authority and power to provide for the necessary funds for the administration thereof. These funds shall include a sum not to exceed two cents per one hundred pounds of milk, or its equivalent, which shall, with all other fees for the certificate of authority, filing of codes or agreements, be paid into the Milk Industry Board, to be used for expenses in the administration of their duties. These funds shall be based on the milk sold as fluid milk and shall be paid by distribu-

tors for each calendar month within fifteen days following the last of each month, direct to the Milk Industry Board.

"Sec. 9. If any section or provision of this Act shall be declared unconstitutional or invalid for any reason, such decision shall not affect any other provision or portion of this Act, and such other provision or provisions shall remain in full force and effect.

"Sec. 10. All acts of any such Board shall be prima facie valid.

"Sec. 11. All Boards and members thereof elected and approved by the Commissioner of Agriculture of the State of Texas under the provisions of Chapter 19, House Bill 88, Acts of the Second Called Session of the Forty-third Legislature and all proceedings had by any such Boards are hereby expressly validated."

Sec. 2. The importance of the matters covered by this Act, the emergency declared to be existing and the necessity for affording and supplying a constant and sufficient quantity of properly prepared and sanitarily protected supply of fluid milk for the people of Texas and particularly the people in the more congested populated centers, and the fact that there is now no adequate law regulating matters provided for herein, and the further fact that neither the Agricultural Adjustment Act nor the National Industrial Recovery Act of the Federal Government applies to business moving in intra-state commerce in the State of Texas, creates such an emergency and imperative public necessity that the constitutional rules requiring bills to be read on three several days in each House should be suspended, and the said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Sept. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. C. R. No. 24, "Relative to letting of contract for printing and binding of General and Special Laws of the Forty-third Legislature at its Regular and Special Sessions."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 42, A bill to be entitled "An Act authorizing the secretary of the Board of Legal Examiners with the approval of the Supreme Court to appoint an assistant to serve during the months of February and March, June and July, October and November, prescribing a salary for same; authorizing payment of said assistant out of the fees of office of the clerk of the Supreme Court; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Sept. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 39, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than thirty thousand, two hundred and ninety (30,290) nor more than thirty thousand three hundred and ninety (30,390) inhabitants according to the last preceding United States census and prescribing how same shall be paid; providing that such shall be the salary of said commissioners so long as the taxable values in the county shall exceed the sum of eleven million, five hundred eleven thousand seven hundred and fifty dollars (\$11,511,750.00) for the next preceding year; fixing said salary when said taxable values are less than said sum, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

PACE, Vice-Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 87, A bill to be entitled "An Act granting Ernest A. Landman permission to sue the State."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

TWENTIETH DAY—Continued.

Senate Chamber,
Austin, Texas,
September 25, 1934.

After Recess.

The Senate met at 10:00 o'clock a. m., pursuant to recess, and was called to order by the Lieutenant-Governor Edgar E. Witt.

Committee Reports.

(See Appendix.)

H. C. R. No. 24.

Senator Redditt was recognized and called up H. C. R. No. 24, Relative to the contract let to Hicks-Gaston Co. by the State Board of Control, etc.

Read and adopted by viva voce vote.

Motion to Recommit.

Senator Moore moved to recommit to the Finance Committee S. R. No. 27, Relative to the Centennial Committee. The motion to recommit was lost by the following vote:

Yeas—11.

Blackert.	Oneal.
Collie.	Pace.
DeBerry.	Poage.
Duggan.	Redditt.
Moore.	Regan.
Murphy.	

Nays—16.

Beck.	Holbrook.
Cousins.	Hopkins.
Greer.	Hornsby.

Neal.
Parr.
Patton.
Purl.
Rawlings.

Sanderford.
Stone.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Fellbaum.
Martin.

S. C. R. No. 15.

Senator Beck sent up the following resolution:

Be it resolved by the Senate of Texas the House or Representatives concurring, That S. J. R. No. 11 be suspended with reference to H. B. No. 16, H. B. No. 65, H. B. No. 60, H. B. No. 84, H. B. No. 9, and H. B. No. 87.

BECK.

Read and adopted by viva voce vote.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 21.	H. B. No. 92.
S. B. No. 31.	H. B. No. 1.
S. B. No. 36.	H. B. No. 94.
H. B. No. 68.	H. B. No. 110.
H. B. No. 82.	H. B. No. 65.
H. B. No. 93.	H. B. No. 43.

Free Conference Requested.

Senator Redditt moved to grant the request of the House for a free conference committee on H. B. No. 31.

The motion prevailed.

The Chair appointed the following Senators on the Free Conference Committee on H. B. No. 31: Redditt, Collie, Pace, Patton, Cousins.

Point of Order.

Senator Purl raised the point of order that the caption would have to be read on H. B. No. 31.

The Chair overruled the point of order and asked Senator Redditt to explain the bill.

Senate Resolution No. 27.

Senator Holbrook asked unanimous consent to consider S. R. No. 27 at this time.

There was objection.

Whereas, The Senate sitting as a Committee of the Whole Senate has heard, with much interest, the Mem-